The American
Political Science Review

Vol. VII MAY 1913 No. 2

THE RELATION BETWEEN THE LEGISLATIVE AND EXECUTIVE BRANCHES OF THE CANADIAN GOVERNMENT

ADAM SHORTT
Ottawa, Canada

As is well known, the Canadian system of government belongs to the British type of responsible parliamentary government in which there is the most intimate connection between the legislative and executive functions, and in which also the constitution is a flexible combination of laws and usages, many of the latter more binding, and in some cases even more unalterable than the laws. However, the Canadian system of government was not always of this character, and even yet it differs in many more or less essential features from the central type. In the first place, the line of historic arrival in Canada, while presenting certain interesting though unconscious parallels with the development of the mother of parliaments, yet differs materially from the long, slow and tentative process by which the British government and its constitutional mechanism were worked out. In the second place, the colony of Canada, after its conquest from France, was first of all a definite dependency of the mother country, to which constitutional privileges were granted from time to time, and later the Dominion of Canada was a combination of several practically independent provinces and territories in varying degrees of economic and political realization. This involved a written constitution apportioning and defining the divided sovereignty assigned to the Dominion and the provinces, leaving that element of sovereignty which pertains to the mother country indefinite

and debatable, a tide of imperial influence which ebbs and flows from day to day, and is subject to the high and neap tides of imperial sentiment.

Notwithstanding, however, the important differences between the written constitution of Canada and the unwritten constitution of the mother country, and the very considerable differences in the customs and usages of the constitution, due to different historical and local conditions, the relations between the legislative and executive functions are very similar in both countries.

To understand the present situation of the Canadian government, one must trace it, in outline at least, from that condition of autocracy whereunder all the factors of government, the legislative, executive and judicial, were combined in one sovereign authority imposed upon the colony from without, through the gradual concession of powers and privileges, under a constitutional government of checks and balances, to the final introduction of responsible parliamentary government in domestic affairs, wherein the system of checks and balances was abandoned, as regards the relations between the legislative and executive branches, and a government of men rather than of over-riding laws was established.

Canada, under the French régime, was a pure autocracy, built on a substratum of feudal institutions and customs imported from France, and which furnished the foundations of that colonial system upon which the French kings and their representatives in the colony might freely innovate. Laws were made and repealed in a very arbitrary fashion as the colony was administered. This naturally led to many inconsistencies and conflicts in law and authority. But the unlimited right of innovation and interference which brought about these difficulties was equally available for their adjustment, even though this involved the creating of new difficulties.

After the conquest and treaty of 1763, a British autocracy, with equal powers but more restrained in their execution, succeeded. Soon finding, however, that the French colonial system gave the British authorities more control than their own system, and with an eye to the increasing difficulties with the English

colonies to the south, the British government restored the French laws and institutions, under the Quebec act of 1774. But when, at the close of the American Revolution, the British government had to provide for many of the Loyalists in Canada, they found it difficult to persuade them that a fitting reward for their adherence to the British laws and institutions in the revolted colonies was their transfer to the Canadian wilds, where they must forego all British civil laws and institutions and become the feudal subjects of an English Bourbon. To avoid the danger of a second revolution on the part of the Loyalists, the constitutional act of 1791 was passed, dividing Canada into two provinces and adding to the previous autocratic system of an appointed governor and council, the democratic feature of a representative house of assembly. The French element being in the ascendency in Lower Canada retained the French system of laws and institutions there, whereas the British element in Upper Canada adopted the British laws and institutions. From this time Canada included two nationalities with their respective institutions and ideals.

Under the system of checks and balances between the representative assembly with legislative powers, the appointed governor and legislative council, also with legislative powers, and the governor and executive council with administrative powers, the Canadian provincial government had all the possibilities of an excellent conflict of authority without any definite location of responsibility. As these latent powers gradually revealed themselves in practice they were worked with great industry and zeal. The power of the purse, usually relied upon by democratic assemblies to promote sweet reasonableness on the part of executive governments, was only very partially within the control of the Canadian assemblies, inasmuch as earlier imperial laws and provincial ordinances had provided certain permanent revenues for the executive government, which, together with the advances made by the home government through the military chest, enabled the beleagured executive to withstand a siege of considerable duration. Incidentally, many urgent needs of the country, in which the members of the assemblies were vitally interested, were also paralyzed for lack of funds.

Many were the devices planned by the assembly, when passing appropriations, to limit them to specific objects and services, in order to prevent their being diverted by the executive to the relief of those sections of the service which the assembly were endeavouring to starve with a view to bringing the executive government to terms.

Regarded from the vantage ground of the present, one cannot say that the struggle for responsible government in Canada was a struggle for progressive measures. It was simply a struggle for the control of the executive government by the house of assembly. The members of the assembly had little conception of all that was involved in such a change. It is true that even at present the party in opposition, not having to maintain its power by a well disciplined majority, may allow itself considerable freedom in discussion and laxity of organization. Nevertheless, there is no uncertainty on the part of its leaders as to what is involved on assuming the responsibilities of office. During the period of the struggle for responsible government, however, there was the most nebulous conception as to how the administration was to be conducted, should the control of the government pass from the governor to the legislature. Apparently what was contemplated by the more clearsighted of those who were clamoring for responsible government before 1840, was not the British form of cabinet government, which was wholly unknown in Canada, and frankly regarded as impossible under the colonial status, but something more nearly akin to the American system than that which then prevailed. It involved the rendering of the legislative council an elective body, and thus amenable to popular sentiment. It involved also the continuance of the executive government as then constituted under the control of the governor, but, in all matters of domestic policy, subject to the general sanction of the legislature, through the power of the latter to grant or withhold supplies. In matters of legislation the governor might continue to have a limited veto, but, without the support of the legislative council and an independent source of revenue, it was reasonably assumed that he would be sparing in the use of it. There was little enthusiasm for the cabinet form

of government, with certain members of the legislature as members of the executive council. The assembly had already enjoyed that experience to a limited extent, but it had not proved very encouraging, inasmuch as the members of the executive chosen from the assembly had invariably employed their influence in the assembly to promote the interests of the executive, instead of using their influence with the governor to promote the objects of the assembly. The assembly, in conjunction with a reformed legislative council amenable to the people, much preferred, as a means of influencing the policy of the executive, the control of the supplies, to any harboring of executive officers in its midst.

In all practical discussion of responsible government, involving the popular control of both sections of the legislature and in consequence the virtual control of the executive through the power of the purse, the inevitable question always emerged, what is to become of the governor as head of the executive administration, and of his veto power on legislation, and ultimately of the British connection. The representative of the crown and of the imperial government could not become a mere servant of the legislature, under penalty of being starved out.

Had the British dominions in North America been fairly homogeneous in population and more compact geographically, the solution of the problem might have been rather obvious. But the maritime provinces were not prepared to unite with Canada and could not have effectively done so; while to have severed Canada from Britain, whether as one or two provinces, would have inevitably resulted in civil war between the French and English elements, and annexation to the United States as the only solution for either side. But while the French were not averse to separation from Britain, the all-powerful clerical element was even more averse than the English section to any prospect of annexation to the United States. They very naturally doubted the possibility of retaining their exceptional civil and religious powers and privileges within the American Union. Canada therefore must remain a British province, even under the penalty of more or less continual deadlock between the popular assembly and the executive government.

But, if there was no hopeful solution in sight from the Canadian side, there might be from Britain, and it was ultimately from this direction that relief came. Lord Durham's report of 1838, presenting an interesting and striking picture of the impasse at which Canada had arrived, and indicating the necessity for some change which would afford the people more power in their domestic affairs, came at the psychological moment, following a rather serious rebellion in Lower Canada and an abortive one in Upper Canada. The British government, realizing that something decisive must be attempted, in spite of the vigorous protests of practically all the imperialistic elements in both Britain and Canada, decided to attempt the bridging of the gap between the legislative and executive branches of the Canadian government. Convinced that this must be accompanied by some remedy for the fundamental mistake of the past in dividing Canada on racial lines, the British government passed an act for the reunion of Upper and Lower Canada into one province. Recognizing in this the likelihood of a British instead of a dual national future for the country, the French section opposed the measure most strenuously, and when it was passed adopted as its policy in the first legislature the repeal of the union. This naturally prevented the French members being admitted to that share in the executive government to which their numbers and influence would otherwise have entitled them, and to which they were subsequently admitted, when the policy of disrupting the union was largely abandoned. The ultra-conservative party in Upper Canada also strongly opposed the union on account of the professed intention of the British government to meet, as far as possible, the aspirations of the popular party for a voice in the executive government.

The first governor of United Canada had, therefore, to find, if possible, a practical solution for the new Canadian problem which confronted him, and which involved, on the one hand, the attempt to maintain a united Canada with nearly half the population bent on its disruption, and, on the other, an attempt to construct an executive government whose personnel and policy would satisfy the majority of the popular representatives in the

assembly, prove acceptable to the legislative council, and at the same time meet the approval of the home government. Such was the task entrusted to Lord Sydenham. In addition to a fortunate combination of personal qualities, he was the first Canadian governor who was a trained politician, a member of the British parliament and a member of the British cabinet. Practically all of the imperialists in Britain and in the colony itself, regarded the parliamentary system of cabinet government as quite impossible of operation in the colonies. It was held to be indispensable that the executive government should hold itself aloof from the popular branch of the legislature, and that some such system of distinct powers with mutual checks and balances as that of the United States was the only workable one consistent with the retention of the colony as a part of the British Empire. All these predictions, however, Lord Sydenham completely belied, for he boldly introduced the British parliamentary system into Canada, thus completely revolutionizing the previous system of colonial government. This he accomplished by personally undertaking its introduction, directly combining in himself the duties of governor-general, prime minister, and party leader. He initiaated his personally selected cabinet into the mysteries of cabinet government, dependent for its life upon retaining the support of a majority of the legislature including the assembly and the council. To accomplish this, he organized and maintained for the first time in Canada a government party, of which he was the recognized leader and upon which he depended for getting his numerous and important bills through the legislature, for voting the necessary supplies, and supporting his executive government.

It must be admitted that the government party was dependent largely upon the personality of the governor for its numerical strength and cohesion. Nevertheless on his untimely death, he left to his successor, Sir Charles Bagot, a fairly united government party, to which Bagot was able to add a certain French element which had agreed to abandon the policy of disrupting the union. Of course the maintenance of an organized government party led to the formation of an opposition party on fairly definite lines. This was evidenced when Lord Metcalfe, disagreeing with the

leaders of the government left to him by Bagot, virtually accepted the leadership of the opposition and defeated the party organized by Sydenham and Bagot. He formed a new government which held office until the arrival of Lord Elgin in 1847. By this time the two parties were fairly well defined and the essentials of party government sufficiently well organized. The party formed by Lord Sydenham and reorganized by Bagot had naturally gravitated to the Liberal side, while the Metcalfe party, taking its color from its leader, as naturally gravitated to the Conservative side.

When Lord Elgin took over the government, finding the political parties sufficiently organized, and not being particularly enamoured of the party then in power, conditions were at a convenient stage for his adopting a neutral attitude towards both parties. He therefore declared that he would accept as his ministers the leaders of any party able to secure the support of the popular majority. This new attitude on the part of the governor was bitterly resented by the members of the government then in power, who expected him to continue the role of party leader as well as of governor-general. Shortly afterwards at the general election the Metcalfe or Conservative party was decisively defeated, the Liberal party being returned to power. The governor-general was thus able to practically demonstrate the validity of his position. He freely accepted the change of government with Messrs Baldwin and Lafontaine jointly assuming the functions of the premiership and party leadership, while Lord Elgin confined himself to the functions of governor-general. Thus from 1848 the Canadian system first definitely assumed its present form, the governor taking virtually the same position in the Canadian parliamentary system as the sovereign does in that of Britain.

By simply standing aloof from the strife of parties, the governor threw on his ministers the whole responsibility of the government, both legislative and executive. While accepting their advice and sanctioning their program, so long as they had the confidence and support of the majority of the legislature, he yet declined to fight their battles or shield them from the consequences of adverse

criticism resulting in adverse votes. One of the most important and far-reaching consequences of the chage effected from Sydenham to Elgin, was the fact that the executive government, including the whole civil service, found itself transferred from the service and protection of the governor-general, to the service and disposal of the cabinet composed of the party leaders, who were chosen more frequently perhaps for their political power and influence than for their administrative experience and capacity. Favoritism of a very pronounced character had existed under previous administrations, but it was a social and personal favoritism as contrasted with one dictated by party considerations and the necessity for maintaining a political majority. Further interesting consequences resulted from the fact that the party leaders, who now became the heads of the different sections of the executive government, did not necessarily follow common standards in the detailed administration of their departments. So long as they agreed on the essentials of the party program, they might assume a considerable range of freedom in departmental administration, including the character of appointments and promotions.

It is to be noted that the field of Canadian politics to which the responsible parliamentary system applied, did not as yet extend beyond the strict confines of domestic affairs. Foreign relations and the regulation of external trade were still dealt with by the home government, subject, of course, to such influences as petitions and addresses from colonial interests might exercise. At the very time, however, when Lord Elgin was placing the copestone on the structure whose foundations Lord Sydenham had laid, questions of fiscal tariffs, trade relations with Britain and the United States, and the reconstruction of the navigation acts, were profoundly agitating the Canadian people and were the subjects of endless petitions to the crown and parliament of Britain, on the part of both houses of the legislature, the executive government and the leading commercial interests. In consequence, from this time forward, the definition of domestic affairs has been steadily widening, nor is the end even yet in sight.

As regards the actual relations of the legislative and executive features of the Canadian government at the present time, certain fundamental considerations are to be recognized. In the first place, the Canadian system is a thoroughly democratic one, exhibiting all the strength and most of the weaknesses of such a government. Democratic bodies extending over considerable areas are singularly inarticulate. They are apt to render verdicts on simple isolated policies, or more commonly on general administrations with a certain rough vigour, but they cannot give clear expression to their wishes in advance. It is, therefore, the function of the party leaders, after listening to a babel of voices, public and private, corporate and personal, to carefully balance, analyse and estimate them, and to piece together from these sporadic symptoms of the popular will a policy of legislation and administration which will admit of being successfully commended to public support. Rival policies are thus constantly commended to the public, and that is the most successful form of democracy where the public will can be most constantly and thoroughly tested as to its acceptance or rejection of these rival policies, not only in their inception but, where enacted, during the whole course of their execution.

Where responsibility for the framing of public measures, for their financing from the public treasury, and for their practical realization, is divided between different governmental bodies and even between different political parties, it is impossible to fix responsibility directly, rapidly, and effectively. It is perhaps the chief merit of the Canadian system that the same body, the party government for the time in power, has all these functions to perform. It therefore can neither escape responsibility for any particular measure or policy, nor prevent the accumulation of responsibility for all that transpires both in the legislature and the administration of the country during its term of office. Nor can the party as a whole escape this responsibility, for the power of the cabinet is derived entirely from the support which it receives from the rank and file of the party members constituting the majority of the house of commons. Any defection, therefore, among the supporters of the government is at once a public

indication of doubt or disapproval of the government's course and the nature and importance of the interests, or of the sections of country which the disaffected members represent, are the measure of the importance of their criticism upon the government. If, however, the defection is serious enough to destroy the government majority in the house, the cabinet goes out of office and the defeat of the cabinet means the defeat of the whole party for the time being.

It is not necessary, therefore, to await a general election, at the end of a given period, to test Canadian public opinion. At any time circumstances may arise, accompanied by various manifestations of popular sentiment, forcing the government to submit its policy to the people for their verdict. Or the government may lose its support in the house of commons and be defeated without a specific appeal to the people at large. In the latter case, with the consent of the governor-general the cabinet may appeal to the people as against their representatives in parliament. But without any such decisive measures, which occur only at rare intervals and on special issues, the executive government, being held responsible for every law passed and for all acts of administration, is constantly on trial before the people. Its parliamentary supporters are equally on trial, though in a somewhat minor degree. Every member of parliament is a touchstone of public opinion in his district and if a supporter of the government he is not backward in admonishing it as to any unpopular line of action which it is taking. The very government itself may be divided in opinion on this or that policy. These differences may be due either to personal convictions or to the popular sentiment of the districts which the members of government represent. If they can compromise their differences well and good, but if not, more or less radical reconstruction of the cabinet may be necessary. Thus a continual process of adjustment to public opinion is going on, alike in the ranks of the government and of the opposition. It is in this connection that the Canadian parliamentary system provides a very effective barometer of public opinion and is therefore a very effective instrument of democracy.

Now it does not follow, of course, that only the higher and more worthy aspects of public opinion are alone effective in this process of parliamentary government. The very effectiveness of the Canadian system of government as a democratic instrument renders it capable of expressing the worst as well as the best elements of public life. Indeed the very necessity for the executive government to maintain itself in power through the support of a majority of the members of the legislature, while it largely frees it from the control of a sinister element limited in numbers but powerful in instruments of corruption, at the same time forces the government, especially when its majority is narrow, to employ the greater part of its political and administrative influence to maintain itself in power. It is thus often sorely tempted to forego the higher and more far-reaching interests of the country and of itself in favor of local, special and temporal interests, calculated to carry constituencies individually, rather than by appeals on wider and more national grounds. In this respect the calibre of the ministery of the day is an important factor in deciding which of these avenues to popular favour and support shall be followed. The majority of an Anglo-Saxon democracy may be made up through many different combinations of its constituent elements. Out of the same people may be built up a majority in support of a narrow, sectional and potentially corrupt administration, or in support of a more public spirited wide-visioned and normally incorruptible administration. That the majority of the electorate may be so educated, organized, and accustomed for a number of years, as to accept one or the other of these types for a considerable period of time is unquestionable.

Such being the latent frailities and virtues of Canadian democracy, the chief factor of success in the Canadian system of parliamentary government is the concentration of power and responsibility. In the first place this means the concentration of responsibility at any given time upon one political party, the party in power. Within the party in power there is a concentration of responsibility and control in the hands of the cabinet, or executive government, and within the cabinet there is an increasing

accumulation of power and responsibility in the hands of the prime minister. This is due to no thirst for power on the part of recent prime ministers. It is forced upon them to a greater extent than they altogether relish. Deputations seeking new legislation, or urging the enlargement of old or the assumption of new administrative functions, must see the prime minister, under the conviction that his will is the last word in accepting or rejecting amendments to the government policy. It is the premier who has the right to select the personnel of his cabinet, and, therefore, he is held responsible for their actions. The cabinet, apart from the few advisory members without portfolios, conduct the whole administration of the country through the various departments, of which they are the chiefs. In virtue of their command of the national policy, they require to control the legislative machinery as well. They may not originate all legislation, but before new legislation of any importance can be introduced with any certainty of becoming law, it must be approved and adopted by the cabinet as a government measure. Naturally, the cabinet will adopt as government measures only such bills as are likely to meet with public favour, and thus add to their political prestige and augment their political capital. These are the conditions also of enlisting the support of the party both within and without parliament and thus ensuring the passing of Government bills. The government may, of course, permit considerable legislation of a private nature, not involving government expenditure, to go forward under the direction of individual members, but it must keep a very close watch on all such bills, for, if anything of an objectionable nature slips through parliament as a private bill, the whole responsibility is laid at the door of the government, inasmuch as, in virtue of its command of the government majority in the house, it had the power to prevent the passing of objectionable measures. Nor, as experience has repeatedly proved, will it avail the government to show that a private measure was passed by a combination of opposition and government votes, since the government had the power to make the issue a government question, when its followers would have had the option of defeating the measure or defeating

the government. It is safe to say that they would never accept the latter alternative on a measure which was not of primary importance and could not be fully justified before the country. This will account for the limited volume and generally restrained character of the legislation, which emanates from the Canadian parliament, and indeed from most of the Canadian legislatures. And inasmuch as the same body which shapes and promotes the legislation has also to undertake the enforcement and administration of it, not many Canadian acts are permitted to become dead letters or mere means for clogging the wheels of justice and administration. To this in turn may be attributed the very general respect for law and justice throughout Canada, and the lack of any definite tendency on the part of the people to take the law into their own hands, whether by the milder and more decorous avenue of the referendum and recall, or the less patient methods of lynching and mob violence.

From what has been said it will be recognized that it is the executive branch of government, as represented by the prime minister and his cabinet, which controls the legislative branch. And yet it would not be fair to say that this control is one of dictation: it is simply one of leadership wherein the followers have the latent power to desert or depose their leaders. In addition to the constant interchange of views between the leaders and their supporters in both political parties, formal party conferences take place from time to time during the sessions of parliament. In these private gatherings, known as party caucuses, the more important features of party policy are discussed. In the case of the government caucus, the ministers explain and defend their proposed measures and departmental administration, where the latter may be called in question, and receive such commendation or admonition as the private members of the party feel moved to deliver. But whatever curtain lectures may be administered in these family gatherings the party appears in public, and especially in the presence of its political opponents, as a cheerful and united family wherein discipline is well maintained.

It may be asked whether in the face of this concentration of

power and responsibility in the hands of the prime minister and his cabinet in control of a well disciplined majority of government supporters, the opposition is reduced to mere futility. In reply, one may say that, while the party in opposition is entirely futile as regards administrative authority, or even the passing of laws, it is nevertheless a far more important factor in both legislation and administration than if sections of it had the power, by log-rolling combinations with various elements of the government party, to secure the passage of certain measures for the acquiring of private or corporate privileges concerning which the parties were not pledged before the country. The very monopoly of responsibility by the party in power, with the consequent rewards of credit and discredit, gives to the opposition corresponding advantages and disadvantages, the former of which enable it to be most effective in criticism of the government, at least on all matters which appeal to the public interest. The opposition can effectively check the mistakes, inefficiencies and tendencies to corruption on the part of the government, if it takes the pains to do so. In fact, given the persistent pressure put upon the government by the forces of selfishness, whether individual, corporate, or sectional, in all its shades from enterprising self-reliance to cynical and unblushing corruption, the safety of the government and of the country depends more upon the vigilance of the opposition than upon the good intentions of the government supporters. The prime minister is often more indebted to a vigorous, alert and intelligent opposition for the maintenance of harmony in the cabinet and discipline among his followers, than to the domestic resources of his party outside of his own personality. But the assistance from the opposition is not merely in the line of adverse criticism. Certain of its members contribute valuable constructive features, gladly accepted and applied by the wiser ministers, to the improvement of their departments and the enhancement of their reputations. Indeed, the readiness of far-sighted ministers to accept and apply the more valuable suggestions of the opposition, is not always appreciated by the ministerial critics, who frequently present the suggestions as alternative propositions, which, it is hoped, may

be approved by the public and aid in their return to power. When accepted by the government, however, this advantage is lost and the credit goes to the wrong side of the nation's account with the parties. This merely serves to indicate that the motives of the political parties in their respective contributions to the public welfare are apt to be of a mixed nature. All that I am disposed to claim for the Canadian system of party government, with its increasing concentration of responsibility, is that to a larger extent than in most other systems it forces the party politician, with his mixed motives, including, on the lower levels, purely selfish interests, and in the higher regions personal ambitions of a more or less laudable character, to find that the safest and surest road to success is along the line of service most acceptable to the public.

THE MACEDONIAN QUESTION AND THE BALKAN WAR

N. DWIGHT HARRIS
Northwestern University

Governments seldom fall in a day or wars break out without some previous "laying of the mines." When General Savoff, commander-in-chief of the Bulgarian army, was questioned in 1911 before the national assembly on the condition of the military forces, he replied: "Excellent. Ready for any emergency and capable of defeating the Turks." The Sobranje was pleased, but a smile went around the European capitols. For over a quarter of a century Europe and Turkey lived on in almost complete indifference to the steady growth of the small Balkan states in resources, in economic powers, and in military strength, and with a total disregard of the vital interests of these lesser powers in the settlement of that most vexing of all problems—the Macedonian question. The remarkable development in Germany and Italy along commercial, industrial and political lines in recent times is well known; but the equally astonishing progress of these Balkan nations during the same period has been little noticed by the world at large. And, while Bulgaria, Servia and Greece, in spite of their own personal jealousies and ambitions, made steady and splendid progress in the work of national development and of preparation for the crisis that every year became more imminent, the Ottoman government procrastinated and evaded responsibility.

The failure of the Turks to solve the Macedonian problem does not date from the assumption of power by the Constitutional party in 1908; but it must be traced back to a period at least thirty years earlier. Indeed, its beginnings reach back to that day—two centuries before—when the sultans ceased to be conquering heroes and settled down to the more prosaic occupation of ruling the subject peoples of southeastern Europe. Somehow,

very few of them took kindly to the work of administration; and an equally small number had either the training or the personal aptitude to play successfully the rôle of a modern constitutional ruler. Many, however, did possess in a marked degree those admirable qualities of generosity, justice, magnanimity, toleration, and patriotism, which distinguished the "benevolent despots" in Europe in the eighteenth century; but the majority nullified very largely their own efforts and those of the abler and well-intentioned sultans by an inexhaustible avarice for power and pleasure, coupled with a natural indolence and a disposition to employ corrupt methods both in private and public life. It was not long before the whole political régime was permeated with this spirit and these ideals; and the government became hopelessly corrupt and inefficient. Nevertheless, some spasmodic and half-hearted attempts were made, both by Turkey and by the European powers, to secure effective and just rule for the Balkans; but it was not until the nineteenth century, when Russia, France and Great Britain assumed the duty of protecting the Christians under Ottoman rule, that a partial success was achieved. This was done by removing four national communities from Turkish control and limiting the territory of the Ottoman Empire in Europe to Albania and Macedonia. But this left the Christians of Macedonia and Armenia as helpless as before and the Macedonian question was as far from being settled as ever.

Roumania was the first nation to secure local autonomy as a state under the suzerainty of the Porte. And this not at the hands of the European concert, but rather in spite of the wishes of the prime movers in Near Eastern politics. By the treaty of 1856 the provinces of Moldavia and Wallachia were each given the administration of their own affairs under the Turkish suzerainty. They requested the privilege of forming a united government, but the powers at a conference in London voted against it. In 1859, however, the two districts elected the same person—Colonel Couza—as governor; and in 1862 the joint administration was quietly consummated. Prince Charles of Hohenzollern-Sismarigen was chosen ruler, upon the forced retirement of Couza in 1866; and the kingdom of Roumania was actually created, though not officially recognized and independent till 1878.

Under the sane and efficient rule of King Charles, the country has made a noteworthy advance along all lines. With an area about equal to that of Louisiana and a population of 6,500,000, its yearly budget now approximates $92,200,000. In 1909 its exports amounted to $93,000,000 and imports to over $73,500,000. Besides a national militia, a regular standing army of 90,000 men and an annual war budget of $7,500,000 are maintained; and the army can readily be raised to a war-footing of 350,000. There are 2207 miles of railway, 4812 miles of telegraph and 23,400 miles of telephone now in operation. An important commercial port has been established at Constanza; and great intelligence has been shown in the development of forest preserves, agricultural and mining resources, and in protection of petroleum and other industrial interests. Roumania—economically and politically—is now the leading state in the Balkans; and her citizens, of whom 92.5 per cent are Roumans, outrank the other peoples of that region in general culture and intelligence. Her foreign policy—uniformly moderate, peaceful and consistent—has been a constant factor in her success. Although hindered at times by Russian intrigue, her statesmen have always maintained a dignified, conservative attitude. They have courted successfully the friendship of their neighbors and deserve the confidence of all the European states.

Early in the nineteenth century, Servia began fighting valiantly under Kara George and Milosch for her freedom; but it was not until 1856 that her people actually acquired liberty of worship, of trade and of self-government. Complete independence was accorded her in 1878; and in 1881 Servia became a constitutional kingdom under Milan I. The unscrupulous ambition and inherent personal weakness of her rulers, notably Milan I who set up an absolute monarchy in 1883 and Alexander II who with his intriguing consort—Draga—was assassinated in 1903, seriously retarded the development of the country. It is a striking fact, that the administration of those two Balkan states alone, who have retained their native dynasties—Servia and Montenegro—has been less successful than the governments of the other three—Roumania, Bulgaria and Greece—who took their kings from the lesser royal families of Europe. The intrigues of ambi-

tious neighbors like Austria have increased the difficulties and confusion; yet a constant improvement in conditions has been noticeable for a decade—particularly since the accession of the conservative Peter I and his intelligent and enlightened prime minister, Nicholas Pachitch, to power in 1903.

Territorially Servia possesses about the combined area of Vermont and New Hampshire. It has a population of 2,493,000, of whom 2,298,000 are Serbs and 96 per cent of whom are members of the Creek orthodox church. Since 1904 she has been out of debt and presents a yearly budget of $23,000,000. Her army numbers about 40,000 men, but it can easily be raised to 150,000 in case of war. There are in active operation 430 miles of railway, 2140 miles of telegraph and 910 miles of telephone wires. Servia's program is one of peace and internal development; and she has been drawn into the present war chiefly from the motive of rendering secure her future economic development. Her interests and sympathies, however, bind her closely to the Greek Christians and Serbs of the Balkans; and her foreign policy centers about the protection and welfare of those numerous Serb peoples of southeastern Europe, of whom are some 10,000,000 all told, and who constitute the greater proportion by far of the inhabitants of Bosnia, Herzegovina and Macedonia. For years Servia has been hoping to create a "Greater Servia" out of these sections of European Turkey, whenever the day of Turkey's retreat to Asia should come; and she was bitterly disappointed when Austria annexed Bosnia and Herzegovina in 1908. But now she is about to realize her ambitions as far as Macedonia is concerned together with direct access to a port on the Adriatic, which will ensure her economic independence.

Austria has been actively engaged for years in fighting this Serb propaganda, and in crushing by economic and political means every move of her own Slavs towards national autonomy, but also each advance of Servia in the direction of internal development or national expansion, as dangerous to the success of her own government and to the supremacy of the Teutonic element within the Austro-Hungarian kingdom. This is but the continuation of the policy of Count Andrassy who said to Lord Salisbury

upon the introduction of the Austrian military administration into Bosnia and Herzegovina in 1878; "J'ai mis le pied sur le tete du serpent;" and it is also intimately connected with Austria's territorial ambitions which included a dominant position on the Adriatic coast as well as expansion to the port of Salonika on the Aegean Sea through the disruption of the Ottoman Empire and even the incorporation of Servia itself within the Austrian monarchy. The present war has brought a rather sudden termination to these schemes, with the exception of a possible suzerainty over Albania ultimately; and, through the influence of the powers, Austria has been induced to allow Servia her "little window on the Adriatic" as a reward for her sacrifices in the war.

Little Montenegro—the size of Porto Rico or slightly greater than Yellowstone National Park—has enjoyed complete independence, too, since 1878, although it was nominally a free community for many years prior to that date. Under its able prince—now king—Nicholas, it has been administered with a high degree of success considering the poverty of the country, the barrenness of its mountains, and the restless, independent spirit of its citizens. Today it is a progressive and fairly prosperous community; and its monarch enjoys the respect of all the European rulers and statesmen.

The terrible massacres of 1876 in Bulgaria and the Russo-Turkish war of 1877 led to the establishment of a fourth independent community in the Balkans. Its area was materially limited, at first, owing to the mistaken policy of England who thought the salvation of these Danube peoples lay in a reform of Turkey rather than in a division of the region into a number of small states. Great Britain saved the Ottoman Empire from a material loss of territory and advanced her own interests in the Near East by this action, but left European Turkey and the Armenians practically at the mercy of the sultan.

Prince Alexander of Battenberg was the first ruler of Bulgaria. He was friendly to Russia and was supported by her officials in the early part of his reign; but in 1883 he gave his people constitutional government and went over to the national party led by Stephen Stambulov. All Russian officials were replaced by

native leaders and a genuine Bulgarian revival took place. In 1885, southern Bulgaria, left under Turkish rule as the province of Eastern Roumelia in 1878, was quietly annexed by popular vote and armed intervention. Servia alone actively opposed the movement, but was badly defeated at Slivnitza. Great Britain came to the aid of Bulgaria, and by skilful diplomacy kept the powers inactive and secured the acquiescence of the Porte. This marked a new epoch in the attitude of England toward the Near Eastern question. Her change of front is best described in the message of Sir R. Morier, English Ambassador at St. Petersburg, to Sir W. White, British minister at Constantinople: "If you can help to build up these peoples into a bulwark of independent states and thus screen the 'sick man' from the fury of the northern blast, for God's sake do it."

Prince Alexander was, however, kidnapped soon after, at the instigation of Russian officials. Popular feeling was so pronounced against this action, that he was speedily returned to his palace. The Russian disfavor continuing great, he felt compelled to abdicate in 1886; and the present ruler—Ferdinand of Saxe-Coburg—was chosen in his stead. Ferdinand, though self-seeking and fond of pomp and display, is a statesman of considerable ability. Under his direction, the country has made material and rapid progress along all lines; and in 1908, he secured its complete independence from Turkey and had himself crowned "Czar." The state possesses an area of 38,080 square miles—a little more than Indiana or Portugal—and a population of over 4,000,000. Of these five-sevenths are Bulgars—a composite of Tartar and Slavic blood, but an intelligent and industrious people. So thrifty have they become and so extensively have the farms and landed estates passed into the hands of the tillers of the soil, that Bulgaria has earned the title of the "Peasant State." Sofia, described in the early eighties by travelers as a "wretched village of mud huts and ill-built houses never more that two stories high, with mere mud tracts for its principal streets," is now a flourishing city of 103,000 people with paved streets, well-built houses, electric tramways and lighting, and many handsome public buildings.

In the ten years from 1895 to 1905 the exports of Bulgaria rose from $15,537,200 to $29,592,000 and imports from $13,804,000 to $24,450,000—nearly double in both instances. There are 1082 miles of railway, 687 miles of telegraph and 904 miles of telephone wires now in service in the state; and its entire annual national budget now reaches a total of $34,000,000 of which about $7,000,000 goes for military purposes. This little nation with a population less than the city of London, after careful training and the most painstaking effort, now possesses a homogeneous, well-organized army of fine material, amounting to 235,000 men, which is probably unsurpassed by the military forces of any of the smaller European states. In November last, they were able to mobilize with remarkable dispatch and energy an army of 400,000 men and to astonish the world with the rapidity and completeness of their victories over the Turkish forces. This result was by no means unexpected in some quarters. One able and unbiased critic who visited Bulgaria and studied the question carefully, wrote of the army as early as 1908: "It surpasses all expectations and is for its size, probably, vastly superior to any other force it is likely to have to encounter. This result is largely due to the painstaking effort of the officers of all ranks, who treat their profession seriously. The hardy and enduring nature of the men adds largely to the efficiency of the army; and the spirit which pervades the ranks is splendid. Every man is cheerful, and seems to desire to perfect himself in the art of war to enable him to play his part in the great struggle to maintain the invincibility of Bulgaria, which cannot now be long postponed."

Yet Bulgaria's foreign policy has been on the whole conservative and peaceful. She desires the friendship of her neighbors and opportunities for internal development and commercial expansion. She has large interests in European Turkey and her economic future is wrapped up in the problem of territorial expansion into that region. And she could not ignore the demands of her compatriots in Macedonia, while the pressure of her own people on the government increased year by year until in the months of September and October 1912 it became practically irresistible.

Thus—leaving Greece out of the discussion, which secured its

independence in 1829 with the assistance of the powers—four free and independent states have been successfully created out of European Turkey in the latter half of the nineteenth century and the territorial possessions of the sultan in the Balkans have been reduced by nearly two-thirds. This is primarily the result of the misrule of the Sublime Porte—of the corruption under Abdul Hamid in particular—and of the interference of the European powers. Yet it must be acknowledged that the real success of the new states has been due to causes lying almost entirely outside of the sphere of activity of European statesmen. Chief among these was the fact that there existed within each of these Balkan communities one homogeneous group of people bound together by ties of blood, language and custom, who constituted 90 per cent or over, of the entire population, and who could furnish a nucleus of resource and power sufficient to ensure the success of a national organization. Such was the case with the Serbs in Servia, the Roumans in Roumania and the Bulgars in Bulgaria. To this, accompanied as it was by the rapid growth of the spirit of nationality among these peoples, more than anything else, is the salvation of the Danube principalities to be attributed.

A second and hardly less important factor was the rise of gifted native leaders, like Prince Nicholas of Montenegro, Pachitch of Servia, and Stambulov of Bulgaria, whose patriotism and devotion equals anything Europe has ever seen, and who possessed constructive political ability of a high order. The introduction of religious toleration removed one of the most serious obstacles to reform, namely, the strife between the theological sects of the Near East, whose name is "legion." National churches were organized under their own heads, like the Bulgarian exarch at Constantinople and the metropolitan of Servia at Belgrade, and their own governing bodies. A distinct separation of church and state followed and a free hand secured for the new governments. The transference of the lands of the excluded Turks to the peasant farmers removed the chief difficulty in agrarian reform. And the abolition of the old Ottoman methods of taxation and collection of revenues opened the way for an enlightened financial régime and a progressive economic development, that have placed each state upon a sound basis.

The term "Macedonia" does not appear often on modern maps, but it is in common use in a variety of ways, some of which are very confusing to the general reader. The name is usually employed in its most restricted—and probably its most correct—meaning to designate that region of the Balkans embraced within the three Turkish vilayets of Salonika, Monastir and Kosovo, and lying between the districts of Adrianople and Albania. For the purposes of this article, however, we will apply it to the whole region in Europe still retained by the sultan, after the loss of Bosnia and Herzegovina in 1908. The total area of these Ottoman lands is 68,190 square miles, or a little less than the State of Missouri. It is a district of considerable natural wealth and of unrivalled commercial possibilities, with two ports of first rank—Constantinople and Salonika. It possesses one of the most cosmopolitan populations in the world, numbering 6,000,000,[1] of whom 70 per cent are Turks, Greeks and Albanians, while the remaining 30 per cent includes Serbs, Bulgars, Vlacks, Armenians, Italians, Magyars, Gypsies, Slavs, Jews and Circassians. No one nationality constitutes more than 30 per cent of the whole; and this lack of a determining element in the population—one sufficiently powerful to assume the leadership and ensure a united and independent organization for the entire district—is one of the main causes for the failure thus far to solve the "Macedonian question."

Another serious difficulty has been the racial antipathies and jealousies of the resident nationalities—especially those which are related to the citizens of the neighboring free states. The moment one attempted to secure the ascendancy, the others began to fight "tooth and nail" against it. When Bulgaria permitted its people to aid the Macedonian revolutionists in 1903-04, Servian and Greek bands penetrated the country, assisting the Turks in the devastation of the districts and in the suppression of the revolt. Only with the formation of the Balkan League during 1912, did the end come to this barbarous rivalry and unreasoning competition which have doubtless caused as much loss of life and suffering in Macedonia during the past quarter of a century, as the massa-

[1] Of this number over 1,203,000 live in the city of Constantinople.

cres and oppression of the Ottoman soldiers and officials. And even this union, as admirably as it has served its purpose during the war and the period of the peace negotiations, has failed thus far to eradicate the old bitter animosities and suspicions in some quarters, or to control the most radical elements on all occasions.

A third element in the problem is the religious situation and the unique position of the great Metropolitan leaders. There are Greek, Bulgarian, Latin and Armenian Christians, Mohammedans, Jews, and other denominations, each under its own particular religious head. The Greeks enjoy the protection of his holiness, the patriarch of Constantinople, and the Latins that of Pope Pius X at Rome. The Bulgarian Christians who were very restless under the supervision of the Greek patriarch, have had their own exarch at Constantinople since February, 1870, who represents their interests with the sultan; but the Russian and Servian churches have never officially recognized this Bulgarian branch. The Armenians are divided into two groups, one Roman Catholic and one Gregorian, each with its own patriarch at Constantinople. And the Jews have their chief rabbi, called "Chacham-Baschi," living also in the Turkish capitol. All of these prelates have immense influence and considerable strength. Each must protect his own people; and none are willing to favor any movement which would materially reduce their power or affect their position—such, for example, as the Bulgarian exarch might experience if the Bulgar Christians of Macedonia were removed from his immediate jurisdiction. Then no one group of co-religionists wish to see one of another belief placed over them. The experience of the Christians under Mohammedan rule has made them all particularly sensitive on this point.

The responsibility of the Ottoman government for the complete failure of every genuine move to settle satisfactorily and definitely the Macedonian problem, however, far outweighs every other contributing cause, whether working from within or without the distracted region; and, if Turkey now loses practically all of her European possessions, she will have no one but her own short-sighted and corrupt officials to thank for it. At the conference of Berlin in 1878, Great Britain and Germany saved for the Porte

the greater part of her present Macedonian lands which Russia had forced her to cede in the treaty of San Stephano. In return, the Ottoman government promised by article 23 of the Berlin agreement to introduce a new organic law into European Turkey. A commission, on which the local nationalities were to be fully represented, was to draw up a tentative plan for the joint approval of the Porte and the European commission on the Balkans. Nothing came of this, however, until the Ottoman government itself undertook to formulate a plan of reform in June 1879 under great pressure from Sir A. H. Layard—the British minister at Constantinople. At length, in April, 1880, the Porte summoned the European Balkan commission to inspect its draft which was duly worked over with great care and thoroughness; and a new excellent organic law produced and signed on August 23, 1880. But the sultan never permitted it to be put in force. Abdul Hamid had already discarded the constitution of 1876 and exiled its author—the grand vizier, Midhat Pasha—in 1877; and he had no sympathy whatever with any movement towards local autonomy, popular sovereignty, or decentralization of authority in favor of the local divisions of his empire. He was a firm believer in the efficacy of monarchial rule and a staunch supporter of the centralized authority of the sovereign, both in church and state; and no one knew better how to play upon the peculiar sentimentalities and feelings of the different co-religionists and nationalities within his realm, to successfully achieve his own purposes. In the matter of the Macedonian reforms, the sultan played off the great powers so cleverly against one another, and kept the jealousies of the small Balkan principalities so constantly inflamed, that he was able to postpone any serious change in the "status quo" until the very day of his forced abdication in 1909.[2]

Meanwhile, the condition of the country became worse, year by year. The administration was inefficient and corrupt; the taxes almost unbearable and the method of collection brutal and severe; and there was little protection in the courts, or security for life and property anywhere in European Turkey. So great did

[2] April 27. He had been compelled to recognise the new constitutional régime and permit the restoration of the constitution of 1876 in July of the previous year.

the anarchy and insecurity become, that by 1900 the population of the region was materially reduced by emigration. Thousands of peasants took refuge across the borders of Servia and Bulgaria. It is claimed that 20,000 Bulgars took up their residence in Sofia alone. Unfortunately, and perhaps stirred on by the activities of the "Macedonian Committee"—formed by Bulgars—in assisting their compatriots in Macedonia and promoting the propaganda for an autonomous rule there, the Ottoman government added violence to its policy of repression and intimidation. And it will be remembered how the terrible atrocities in Macedonia in 1902–03 aroused the statesmen of Europe, and how the now famous "memorandum" of Bulgaria—an appalling indictment of Turkish rule in the Balkans—was perused with feelings of horror and chagrin in all the council-chambers on the continent.

After considerable delay and under heavy pressure from the press and from the other powers, Russia and Austria produced the "Vienna program" of reform in February, 1903; and, through the persistent efforts of Great Britain and France the more workable plan—known as the "Muerzsteg program"—was evolved in October of the same year. This latter included reforms in finance, in civil government, in taxation, and in the gendarmerie, together with an European commission of control. Yet it failed completely for lack of serious support by its framers, and the opposition of the sultan and Germany. It has been demonstrated that the loss of life in 1904–05 was almost as great as in 1902–03. The emigration began again, some 4000 leaving the vilayet of Monastir alone in 1904 for America. The number of emigrants increased to 6000 in the next year and to 15,000 in the first half of 1906; and the country was properly described by Victor Bérard in that year, as "une Macedonie Pillée et massacrée, unproductive pour elle-même et inutile pour le reste du monde, intenable aux indigenes et impénétrable aux étrangers." This hopeless situation dragged on till the summer of 1908, when the powers were again aroused to action, Sir Edward Grey and M. Ivolski—Russian minister of foreign affairs—bringing forward an energetic plan for the pacification of Macedonia. This embraced, among other provisions, the restoration of peace and security

through the medium of a large military force commanded by Turks but assisted by European officers, the organization of the district into an independent province under the control of the Porte, and the creation of a new civil administration based upon principles employed in all modern governments.

In July, before this program could be put in operation, the revolution occurred in Turkey resulting in the triumph of the "Young Turk" party and the restoration of the constitution. The leaders of the new movement, disavowing all responsibility for the errors and misdeeds of the late régime, promised reform with evident sincerity and asked for time in which to establish a just and efficient administration in Macedonia. Since their program included principles of decentralization, of political equality and of local autonomy, and some of their most prominent members were from Macedonia, the powers took them at their word and refrained from all interference.

The revolutionary committee which now assumed control at Constantinople, was composed of patriotic, well-intentioned and upright men. Some possessed good administrative ability and were trained in European methods and ideals; but the majority, though enthusiastic and anxious to succeed, were sadly deficient in practical experience in political affairs. Their knowledge of Macedonian conditions was meager and they were lacking in the two great essentials necessary to solve that most difficult problem —diplomatic tact and breadth of view. At first they had the confidence of everyone, the promulgation of the constitution being received with enthusiasm and public rejoicings throughout the Turkish Balkan lands—from Adrianople to Scutari. The peasants, the mountaineers and the burgers in the towns, all thought that the millenium had arrived—that peace, security and a just rule had come to stay—and at no previous time had the conditions been so favorable for the introduction of a successful régime. Nevertheless, and in spite of the four years that elapsed before the final blow fell, the new Ottoman government failed completely to lay even the foundations of a good and efficient administration in Macedonia. And their lack of success must be assigned chiefly to their own blunders, notwithstanding the fact that their labors

were seriously interfered with by political upheavals in Constantinople and grave complications in foreign affairs, such as the loss of Bosnia and Herzegovina, and the war with Italy in Tripoli.

The "Young Turk" party started out to introduce into European Turkey, in the proposed new régime, two irreconcilable principles—political equality and minority rule—a tremendous and delicate task for experienced politicians in any country, but a hazardous and almost impossible one in a land like European Turkey. On account of the disturbed condition and the lack of political experience by the masses in Macedonia, and in order to preserve their own supremacy—and that of the Ottoman race—in all matters of state, they felt it almost a sacred duty to retain their own followers and a majority of Turks in all the public offices, in spite of the fact that the Christians and the subject races far out-numbered the Moslems and the Ottomans. During 1909, 1910 and 1911, illegal methods—such as intimidating the peasantry and driving them by force to the polls—were employed generally to control the elections. The Constitutional Clubs were soon closed and the right of public meetings abolished; and these moves were immediately followed by a strict censorship of the press and the punishment without trial of chiefs, or leaders, who ignored or refused to carry out the orders of the government officials. And in a short time the new party has lost all the confidence, prestige and popularity which had accompanied its advent to power.

In order to carry out their plans for equality and unity, the committee inaugurated a policy of "Ottomanization," which may be described as an effort to destroy all local national lines and to impose artificial Ottoman nationality upon everyone within the Turkish Empire. Since all were now equal and residing under the same constitutional government, they argued that it was imperative for everyone to become a "Turk"—to write and speak Turkish and to assume a loyalty to Turkish ideals and to the Ottoman Empire. Accordingly it was decreed that only the Turkish language and the Arabic script should be employed in the schools; and all teachers not "Ottomans" were removed from their positions. No matter how beautiful such a policy was in theory,

or how well it might serve ultimately as a factor in the regeneration of Turkey, it was certain to arouse a strong opposition in Macedonia in 1912. In fact, it was bitterly resented by all the Bulgars, Serbs and Greeks in European Turkey, and particularly by the Albanians whose love of independence and loyalty to their own country is strong and who—naturally—much preferred their own language and the Latin script to those employed by the Turks. Conflicts were frequent between the officials of the Ottoman government and the local authorities on this question; and in many places the schools were closed.

But this was not all. Many Bulgarians and Serbs who had retired over the frontiers of Bulgaria and Servia, owing to the disturbed condition, now saw their lands seized and handed over to home-seeking Moslems who had migrated from Bosnia and Herzegovina when Austria took control there. And, in order, doubtless, to secure the effective enforcement of their plans, the committee ordered a general disarmament in the vilayet of Macedonia and Albania. This was a serious blunder in a country where life and property were not safe, and where every peasant had been compelled to make his home into a "castle"—particularly before any real security had been established. This move, not understood by the masses, was felt to be unnecessarily severe, especially in Albania where the chief joy of the inhabitants consists in firing off their guns on any and every public occasion and where the "blood-feud" has existed between families and clans for years.

A "sullen, dejected aspect" was noticeable now among the subject population, where joy and smiling faces had been seen three years before. And all parties—Albanians, Bulgars, Greeks, Christians and Moslems—were bitterly opposed to the Constitutional party by 1912, while in Albania the people broke out into open rebellion in the spring of last year, exasperated by the unnecessary punishments and maltreatment meted out by the authorities in the process of disarming the inhabitants. During July, August, and September, 1911, over 4000 persons in the vilayets of Uskub, Salonika, and Monastir alone were ill-treated, beaten and clubbed, while some 2000 fled to Bulgaria, and 3000 to the

mountains, rather than submit to this disarmament process. Still another grievance existed—that of enlistment of the youths of these subject races and their deportation into distant regions of Asia Minor for service. Although it was a good training for the young men, it bore heavily upon the country, as many of the men were needed at home and since large numbers, as high as 50 per cent it is claimed, succumbed to the severities of the service and the climatic changes, particularly in Arabia. This method of enlistment, combined with the various hardships imposed on the army by the repeated calls upon it to put down revolts in the inhospitable and wild regions of Arabia, Asia Minor and Albania from 1908–12, led to a serious mutiny of that portion of the military forces stationed at Monastir on June 27, 1912, that could not be put down until early in August. This was a last blow to the growing unpopularity of the Said Pasha cabinet, which was forced to resign on July 16,[3] and completed the disruption of the "Young Turk" party already torn by dissentions.

This party had indeed accomplished much for Turkey. Its services in securing constitutional government for the country, and in deposing the autocratic and unscrupulous Abdul Hamid, will always remain to its credit. But its military members took too large a part in the affairs of state; and its sanest and ablest members either retired or were forced out of office by reason of disagreement with, or the intrigues of, the more radical and incapable elements. The good work of the few was ignored or undone by the blunders or the dissentions of others. The Salonika committee acted independently of the cabinet and often arbitrarily. Hadji Adil Pasha, minister of the interior in Said Pasha's cabinet, returned on July 4-5 to Constantinople, after 102 days in Macedonia, where he had studied the situation sympathetically and carefully and had drawn up an excellent program of reforms, only to lose his position with the fall of the cabinet, two weeks later. From July to September, there were seven ministers of the interior, including Hadji Adil, making any serious reforms impossible.

At this critical stage of events, two dreadful massacres of Christians occurred, and a border controversy with Montenegro arose,

[3] Had been in power since December 31, 1911.

which rendered the position of the Turkish government most difficult and the likelihood of immediate restitution and settlement very remote. At Kotchana, not far from the Bulgarian border, 188 innocent Bulgarians were slain on August 2, while in the same month similar atrocities were committed at Bérane, near the Servian border; and in the following month, some ten Christians villages on the Montenegro frontier were reported burned and the women and children killed.

Meanwhile the Balkan states remonstrated with Turkey and appealed to the powers to take over the administration of Macedonia. On August 15-16, Count Berchtold, Austrian prime minister, proposed an international conference on the Balkan question. All the powers expressed, in a leisurely fashion, their willingness to join in such a discussion; but Count Berchtold was exceeding slow in completing the arrangements.

On August 27, the new grand vizier, Ghazi Mukhtar Pasha, declined any foreign interference in affairs of Macedonia, but asked for time in which to take up the question and work out a satisfactory solution. Matters dragged on; the powers were very slow and seemingly indifferent. At length the Balkan states decided to act for themselves. As early as March, 1912, Servia and Bulgaria had reached an agreement to coöperate in Macedonian affairs, and had signed a treaty covering the most important military and territorial questions. In August, according to the confirmed report from official sources, Greece and Bulgaria signed a military agreement which brought into being a real Balkan alliance, to which Montenegro adhered. Thus the old feud spirit disappeared and, under the stress of events, old rivalries and jealousies were laid aside. Wise statesmen saw that by union, coöperation, and prompt action, it would be possible for the Balkan states themselves to sever the "Gordian Knot" of the Macedonian question, not only to the benefit of the long-suffering and oppressed peoples of European Turkey, but also to their own territorial and economic advantage. It would, doubtless result in a policy of "blood and iron," as Bismarck would have said; but it would be worth the sacrifice of men and money, to have the distressing massacres stopped, the intolerable

and unceasing border difficulties ended, and the real economic life and development of the Balkans made possible by the establishment of permanent peace and security. When the final account is rendered of the origin and development of this new policy, historians will doubtless find that the chief merit for its creation was due to the efforts and abilities of Dr. Daneff, president of the Bulgarian Grand Sobranye, M. Pashitch, prime minister of Servia and M. Venezelos, the Greek premier.

Events soon played into the hands of the "Quadruple Entente." In spite of the remonstrances of Bulgaria and the powers, Turkey was extremely slow in taking any action to apprehend and punish the leaders in the massacres of Kotchana and Bérane, or to take up seriously and energetically the general question of reform in Macedonia. Doubtless the inability of the new cabinet of the Liberal Union party, to establish an efficient control in Constantinople was largely responsible for this. The parliament had been dissolved in August; and every effort was made to free the government from the attacks and intrigues of the Committee of Union and Progress (Young Turks).

In the meantime, by serious blunders, they rendered their position more difficult by arousing the wrath and suspicion of the Balkan states. On September 24, an order was issued that the annual fall manouvres of the Ottoman army should be held in the district of Adrianople. This aroused Bulgaria, it being considered as a menace to their position, although on the request of France the order was afterwards rescinded. To protect herself and to assuage the popular demands that by now had become almost irresistible, Bulgaria ordered a general mobilization on September 30. Servia followed suit on the same day. Greece and Montenegro on October 1. The powers became alarmed at once. M. Poincaré—then prime minister of France—took the initiative at once; and, through the prompt coöperation of Sir Edward Grey and the fortunate presence of M. Sasenov, Russian minister of foreign affairs, in London and Paris, an agreement was reached within a week, which was embodied in a note to the Balkan states under date of October 8.

In this document, the European concert deplored all measures leading to war and said they would "not permit any modification of the territorial 'status quo' in European Turkey," if war broke out. But they offered to take in hand immediately the introduction of reform into Macedonia, on the basis of article 23 of the treaty of Berlin, with the understanding that there should be no infringement of the sovereignty or territorial integrity of the Ottoman Empire. Without relying on the support, thus assured, of the powers, and in this way rendering the likelihood of war remote, the Turkish government stepped resolutely into the trap laid for it by the astute Balkan allies. On October 1 they ordered a general mobilization of the Turkish army, and refused to permit the passage of war supplies into Servia, which had been detained at Uskub and Salonika since September 24. On the 14th the cabinet declined all foreign interference, saying that article 23 did not apply to the present situation. The new Turkish parliament would, however, draw up a new scheme for the government of European Turkey as soon as possible; and the powers were begged not to hold the present government responsible for the mistakes and failures of past administrations.

Bulgaria, Servia and Greece addressed a joint note on October 13 to Turkey, which amounted practically to an ultimatum. They demanded administrative autonomy for all the national communities of the Ottoman Empire, admission of Christians to the public offices in provinces inhabited by Christians and the nomination of Belgian or Swiss governors in such districts, the reorganization of the gendarmerie of European Turkey under Belgian or Swiss officers, proportional representation of each nationality in the imperial parliament, and the creation of a superior council composed of an equal number of Musselmans and Christians and above the authority of the grand vizier, which should superintend the introduction of these reforms. The Porte must guarantee to inaugurate this new régime, in good faith, within six months and to recall its order for mobilization immediately, or the allies would not answer for the consequences. The Balkan states, then, replied to the note of the powers, explaining that it was too

late at that date for them to wait for the proposed action of the great European states. They must act for themselves; and they stated what steps they had already taken in the matter.

Two days later—on October 15—the Turkish government made peace with Italy and definitely voted to declare war upon the Balkan allies, informing those powers that their note did not deserve an answer and accusing them of lacking in respect for the greater European states. But Ahmed Mouktar Pasha and his cabinet were in sore straits—as unpopular at home as their acts were making them distrusted abroad—they were assailed from all sides, but somehow managed to hold on for a number of days longer—until hostilities were in full swing. At length, on October 29, this short-lived cabinet fell; and the sultan persuaded, after much urging, the venerable and conservative statesman, Kiamil Pasha—to undertake the uncongenial and arduous task of forming a new government and of ruling a disordered empire in the throes of war. Meanwhile, Montenegro had commenced hostilities on October 9; and the other allies had been forced to follow suite on the 17th and 18th. The rulers of these states preceded their military operations, however, with stirring "manifestos" to their people and last letters of explanation and regret to the powers and to Turkey. Thus began the war that deprived the Ottoman Empire of the last remnants of her European possessions and opened a new epoch in Balkan history. And, when the question of Albanian independence is definitely settled and Macedonia proper has been divided among the kingdoms of Bulgaria, Greece and Servia, it is to be hoped that the Balkan specter of disorder and anarchy, which has troubled European statesmen for so many years, will be buried securely and forever.

THE TENURE OF ENGLISH JUDGES[1]

C. H. McILWAIN
Harvard University

At the meeting of the Political Science Association last year, in the general discussion, on the subject of the recall, I was surprised and I must admit, a little shocked to hear our recall of judges compared to the English removal of judges on address of the houses of parliament.

If we *must* compare unlike things, rather than place the recall beside the theory or the practice of the joint address, I should even prefer to compare it to a bill of attainder.

In history, theory and practice the recall as we have it and the English removal by joint address have hardly anything in common, save the same general object.

Though I may not (as I do not) believe in the recall of judges, this paper concerns itself not at all with that opinion, but only with the history and nature of the tenure of English judges, particularly as affected by the possibility of removal on address. I believe a study of that history will show that any attempt to force the address into a close resemblance to the recall, whether for the purpose of furthering or of discrediting the latter, is utterly misleading.

In the history of the tenure of English judges the act of 12 and 13 William III, subsequently known as the Act of Settlement, is the greatest landmark. The history of the tenure naturally divides into two parts at the year 1711. In dealing with both parts, for the sake of brevity, I shall confine myself strictly to the judges who compose what since 1873 has been known as the supreme court of judicature.

Few subjects so important in English legal or constitutional

[1] A paper read at the ninth annual meeting of the American Political Science Association.

history have been treated more vaguely than this. In one well-known constitutional history it is said that "until 1701 the judges held office at the royal will," and even Maitland says that judges of the Stuart period "all along . . . . held their offices *durante beneplacito*." Both these statements are very wide of the mark.

Judicial office in England before the Norman Conquest was communal in general character. The courts were not yet the king's courts and it could not be said the judges were his: in fact there were no judges in the modern sense. In the Norman and earliest Angevin period all this was changed. Separate manorial jurisdictions, franchises, liberties, of course, continued to exist; and the old communal courts of the hundred and shire were retained; but the latter were now linked with the central *curia*, which in all its varied functions was in a real sense the king's court. The king's judges who replaced the old suitors were now his deputies acting by virtue of his commission, and causes were determined under his writ. The king had become the fountain of justice.

These are royalist and anti-feudal tendencies, and may even be called national, for they shaped the common law.

But in addition there is a feudal element of the tenure, which enters into and affects judicial tenure in all its history. This is the feudal conception of an office. The grant of an office, in mediaeval England, was, in effect the same as a grant of land: it conferred on the grantee an estate in the office, and (usually more important) in its emoluments. In both lands and office the rights vesting in the grantee were, of course, strictly determined by the terms of the grant, unless some rule of law supervened. A freehold of office, for example, was not essentially different from any other freehold. The balancing of these two elements, of royal control and feudal tenure, and the addition later of a popular element exercised through parliament, really make up the history of judicial tenure in England from its beginning to the present time.

The great offices of the king's household, such as that of seneschal or constable, early became hereditary in this way and thus

less useful. Their place was taken by newer offices, such as that of justiciar and of chancellor, held by *novi homines* of lower birth but greater power than the older nobility. These new officials furnished the core of the king's *curia* which performed all the functions of the central government of whatever kind, including of course, much judicial business. Their tenure was naturally at the king's pleasure.

As the business and problems of government became more complicated, a division of labor and a specialization of function became inevitable. By the thirteenth century the separate judicial machinery had become fixed, the courts of Kings' bench and common pleas had acquired a definite organization, and we may speak more definitely of judicial tenure in its strict sense. Fortunately, about that time also, the rolls of the king's letters patent by which the grants to judicial office were made, became available, and I shall summarize briefly the material in them affecting the tenure of the judges.

It will not take long to dispose of the early history of the judges of the king's bench and common pleas. From the earliest patents down to the Long Parliament, their tenure was pratically invariable—during the pleasure of the king. Though grants for life, even without a limitation as to good behavior, are sometimes found in the patents of the Welsh and Irish judges, the grant to the English judges is in this period always a grant by the king to hold and occupy the office with its proper fees and emoluments "*quamdiu nobis placuerit*"—it is, in fact, an estate in the office terminable at the will of the King. This continues until 1641.

The tenure of the barons of the exchequer is a more difficult matter, and it is concerning it that most of the mistakes have been made.

It is probable that in the earlier time, in the exchequer (as elsewhere) no clear distinction was made between ministerial and judicial offices, and in fact no real distinction even between the various barons of the realm who were summoned by the king to assist him, now in the exchequer, now elsewhere, as his curia. But in time both distinctions arose. It becomes possible after a while to see a difference between ministerial exchequer officials,

such as the treasurer, and the chancellor of the exchequer, who often have a freehold in their offices: sometimes an estate for life, sometimes one in fee simple, in tail male, etc.; and what may be called the judicial exchequer officials—the *barones scaccarii.* The very use of the word *barones* in this narrower connection shows that they had also become a wholly different order of beings and a far lower one than the barons of the realm.

The ministerial exchequer offices, from the nature of their tenure being often in incapable hands, were frequently filled by deputies. It is probably in this way that such offices as vice-chancellorships, etc., first arose. There are many complaints in the rolls of parliament of the incompetence of these deputies. The barons of the exchequer were on a very different footing. In the earliest patents their grants are always during pleasure. An early example is found is in 4 Edward I, where the king makes the grant "*quamdiu sibi placuerit.*"

The statement is sometimes made in modern histories that the barons of the exchequer held during good behavior till the time of the Stuarts. This is unfounded. Until the middle of the fifteenth century they seem invariably to have been appointed during pleasure—*quamdiu nobis placuerit, quamdiu Regi placuerit, quamdiu nostrae placuerit voluntati; exercendum ad voluntatem Regis,* or the like. Not until the reign of Henry VI are any barons of the exchequer appointed during good behavior. Those appointed at the accession of Edward IV had this tenure. In that year, however, the commons pray that the various commissions made by the Lancastrians and afterward may continue in force. The answer is: "It is agreed, so that the Barons of the Exchequer exercise their Offices at the Kynges pleasure, as the Judges doon." Notwithstanding this, Edward IV did afterward make grants during good behaviour. There is one interesting one in reversion during good behavior in 1467. When Henry VI returned to the throne in 1470 all grants to the barons of the exchequer were during pleasure.

This was soon changed once more, and it seems probable that practically throughout the Tudor period these grants were uniformly made during good behavior.—*habendum tenendum et occupandum . . . . quamdui se bene gesserit.*

So it continued until the year 1628. Then an interesting thing happened. Sir John Walter had received his patent as chief baron of the exchequer *quamdiu se bene gesserit*, but Charles was dissatisfied with his opinion in the case of parliament—men imprisoned for seditious speeches in parliament, and ordered him to surrender his patent. He refused to do so, on the ground that his grant was for good behavior, and that he ought not to be removed without a proceeding on a *scire facias* to determine "whether he did *bene se gerere* or not," as Whitelocke says.

This was embarrasing. Charles could not risk another unpopular trial. He, therefore, had to allow Walter to retain his office and his revenues as chief baron, and he retained them until his death about a year later; but the king did command him to stay away from the courts and not to perform his functions as judge and he never appeared again in the court of exchequer to the day of his death.

Something like this had occurred when Elizabeth sequestered Archbishop Grindal in 1577 at a time when it would have been inconvenient to deprive him; and the precedent became useful later to Charles II. It may also, possibly, have influenced Lord Holt in 1690 when he advised the council that the king might appoint a governor of Maryland in violation of Lord Baltimore's charter without first vacating it, provided the grantee's profits were secured to him.

The view that a great judicial office is just the same as its emoluments, is an interesting survival of feudalism the effects of which can be seen in several ways in the law reports. An interesting parallel to it is found in the opinion of the author of the *Mirror of Justices* that a freeman of the realm denied the rights promised in Magna Carta ought to recover damages by an assize of novel disseisin. But the idea was extremely dangerous to liberty in the seventeenth century.[2] The next patent to a baron of the exchequer, granted after 1628, I need hardly say, read "*durante bene placito.*" And so they continued till the Long Parliament.

In the meantime there were troubles in the king's bench and

[2] I hope soon to publish something further on this point.

common pleas also. Richard II, had struck one of his judges for refusing to comply immediately with his demands and had even "trampled him under his feet." But it is James I who must bear most of the blame of beginning the interference with judicial tenure and functions which were so prominent in the civil troubles of the years following. His interference to procure the shameful divorce of the Countess of Essex, his part in the trials resulting from the murder of Sir Thomas Overbury, his pretensions of omniscience and claims to exercise judicial office in person, but above all his transfer and final removal of Sir Edward Coke, the most learned lawyer of his time, make some pretty black pages of history. I feel almost like agreeing with the rather vigorous language of Mr. Horace Round who calls James "perhaps the most unseemly monster that has ever sat on the English throne."

Charles I unfortunately saw fit to follow this policy of interference with his judges. Even before he removed Baron Walter from the court of exchequer, he had put out the chief justice of the king's bench, Sir Randolph Crew, in 1624, because he refused to sanction the king's forced loans. This was easier to do than in Walter's case, for the tenure was during pleasure. In 1634, the chief justice of the common pleas, Sir Robert Heath, followed, Sir John Finch being appointed to fill his place. And four days after the appointment, the writ for ship-money was issued.

To make possible such things as arbitrary imprisonment, forced loans, and ship-money Charles within ten years had removed the heads of three great courts. It is little wonder that parliament took action.

In the Long Parliament, on January 11, 1640–1, the lords appointed a committee to consider the tenure of the judges. This resulted in the drawing up of a petition to the king praying that tenure during good behavior be substituted for that during pleasure. On January 15 the king's reply was reported to the house—that "his Majesty is graciously pleased to condescend," and on June 5, Charles begged parliament to remember, among the concessions he had lately made, "that the judges, hereafter, shall hold their places, *quamdui se bene gesserint.*"

Apparently Charles kept his promise faithfully, and all his appointments after this, of which there were several, were made during good behavior.

During the Interregnum the judicial office was not a bed of roses. The judges had to uphold by precedent a government based solely on force. Though apparently their tenures were all during good behavior, Whitelocke records, in 1655 that "Baron Thorpe and Judge Newdigate were put out of their places, for not observing the Protector's pleasure in all his Commands" and in the same year, Chief Justice Rolle resigned because of friction between Cromwell and himself.

For a few years after the Restoration, possibly owing to Clarendon's influence, the tenure remained during good behavior and a number of judges were so appointed. The pressure on the king, however, became too great. In 1672 he tried to remove Sir John Archer from the common pleas, but Archer held during good behavior and refused to surrender his patent without a *scire facias*. Charles then followed his father's example and ordered him to forbear to exercise the office of a judge either in court or elsewhere, appointing another judge to fill his place, though, as Rushworth wrote, Archer, "still enjoys his Patent . . . . and received a share in the Profits of that Court, as to Fines and other Proceedings by virtue of his said Patent, and his name is used in those Fines, &c. as a judge of that Court." It is probable that only his fees, not his salary remained to him.

Succeeding judges in all the central courts held during pleasure for the rest of Charles's reign and through that of James II, and the transfers and removals were many. In the four years of James' reign alone some thirteen were removed; the law reports usually noting in a matter of fact way that on a certain day justice so and so "received his *quietus*." In 1680 the commons resolved to draw a bill providing that thereafter judges should hold their places and salaries *quamdiu se bene gesserint*, and also to prevent the arbitrary proceedings of the judges; but nothing came of it.

The removals of James's reign passed all precedent and all decency and the number necessary proves that the judges were not all so bad as has sometimes been said. Four were removed

in one day in 1686 for refusing to decide for the dispensing power, and two in the next year for declining to transfer the execution of a convicted deserter from the county where he had been tried to Portsmouth where his execution would have a greater effect on the troops.

In the debates in the Convention Parliament, judicial tenure was discussed, and the evicted judges were examined at length as to the cause of their removal; but in the Bill of Rights no mention of the subject is made. Nevertheless all the patents under William and Mary and William III ran during good behavior and there were no removals.

In 1691–92 a bill passed both houses for ascertaining the commissions and salaries of the judges, but it failed of the royal assent, and Burnet says this was due to the advice of some of the judges themselves that "it was not fit they should be out of all dependence on the court." In 1696, however, a statute was passed to extend the judges' commissions for six months after the death of a king.

But the principal statute on this subject in modern times, and the one substantially followed ever since is the Act of Settlement of 1701. It was limited to take effect after the death of the king and the Princess Anne and in default of issue of either. The important provision was that "Judges Commissions be made *quamdiu se bene gesserint* and their salaries ascertained and established but upon the Address of both Houses of Parliament it may be lawful to remove them."

The original draft of the bill in the commons provided for removal on address of either house, but on motion it was amended to read, "both houses." Motions were also twice made and lost to omit the whole provision for removal altogether.

Subsequent acts were passed in 1760, 1873, 1875 and 1876 on this subject, but they merely reënact or supplement that of 1701, and I shall not retail them. After 1760 the death of the reigning king no longer put an end to all judicial patents. Before that, even after the Act of Settlement became effective, in 1714 and 1727, a number of judges failed of reappointment on the accession of the new king.

The net result of it all is that today an English judge holding by patent *quamdiu se bene gesserit*, like any other official so holding, may lose his office by judicial process under a writ of *scire facias*, if it appear that the conditions of the patent have not been fulfilled. Second, he may be impeached and removed from office by sentence of the house of lords, though this has not occurred for over a century. Third, the crown may remove him without any cause shown, after a joint address of the houses of parliament requesting it, but not otherwise.

The address provided in all the acts from 1701 on is a most interesting thing. Its history is inseparably bound up with the whole great question of parliamentary and popular control of judicial tenure, which I dare not enter upon. Enough to say that as early as 1244 parliament demanded a popular control over both removal and appointment of judges greater than either the laws or the conventions of the constitution allow even today, and something very like the address is described by Matthew Paris for that year. An almost perfect example of a joint address for the removal of the chancellor is narrated at length in Knighton's Chronicle for 1386.

All I shall say is that in 1701 the address was a perfectly well known form of procedure. The name address had gradually superseded the name petition for a communication from one or both houses to the crown, while "petition," since the Restoration, had come to be applied almost exclusively to requests coming from individuals or bodies outside parliament. Such addresses had been frequently employed in the years just preceding 1701 and they had even been used to request the removal of a great officer of the crown. There was absolutely nothing new or strange in this use of them in 1701. It was the ordinary method. But it is well to remember also that this parliamentary joint address was and is a procedure of extreme formality and great solemnity, never resorted to except in matters of national concern. It is the method of communication adopted by parliament for example in case of a death in the royal family. This is no mere resolution of both houses.

No case of any importance requiring the interpretation of the

act of 1701 arose for over one hundred years. The first was the case of Luke Fox, an Irish judge, in 1804. Only once has a joint address for removal actually occurred, and that was in the case of Sir Jonah Barrington, a judge of the court of admiralty in Ireland, in 1830. Another great case was that of Baron Smith, another Irish judge, in 1834, though it stopped short of an address.

In these and other cases where the conduct of judges became the subject of parliamentary discussion, a number of interesting questions have arisen as to the proper interpretation of the words of the act of 1701: "but upon the address of both houses of parliament it may be lawful to remove them."

In this long history that I have tried to summarize, you will notice that there is no statutory action in modern times until 1696. Even in 1641 the lords only petitioned the king for an act of the prerogative. And it is my belief also that these words of the Act of Settlement, and even the act of 1875, confer no power upon the houses of parliament which they did not have before, of interfering with judicial tenure. All any of them does is to limit the royal prerogative, and that in a purely negative way, by permitting removals by the crown only after an address. Not one of these statutes gives the houses power of removal. Not one forces the king to remove or even gives the houses authority to force him to comply with their request for removal.

The houses may address the king, and so they have been doing for some hundreds of years. But he is no more under the legal necessity of complying now than Charles I was in 1641. So far as parliament's power goes, the words of 1701 seem merely declaratory of existing law.

Were they, then, put there merely as a mitigation or exception to the general command to the crown to grant all judicial patents during good behavior? Or were they really intended also to give an additional power of interference to parliament? The late Professor Hearn held the latter view, and believed that parliamentary control of judges as well as judicial independence of the crown was aimed at—on the ground that if independence had been the sole object, the address would have been omitted en-

tirely from the statute as it was from the constitution of the United States. If parliamentary control was really intended, the words chosen to convey it were about as ill suited for their purpose as possible; for they give the houses no power not already theirs and they in no way affect the power of impeachment which already existed for cases of a serious character.

A second question is of a more practical kind. Are the preliminary investigations of the houses on motion for an address judicial in their character, or not? This involves in many ways the most fundamental question connected with the English form of government. If you examine every real dead-lock occurring for the last 200 years, in most cases you will find that it arises from the undefined and possibly indefinable boundary between the *lex terrae* and the *lex parliamenti*. Lord Auckland in Judge Fox's case, for example, denied that the clause in the act of 1701 could be construed "to take the judges from the general protection of the law of the land, in order to place them in a situation of disadvantage and dependence, which does not affect any other individual, or any other class of men."

Lord Hawkesbury, on the other hand, pointed out that it was not a judicial matter at all—the house was merely exercising "that inquisitorial authority with which they were vested by the constitution," and urged that if it were improper in this case then they could neither address for the removal of a secretary of state, a first lord of the admiralty or the governor of a colony.

The difference disclosed here is fundamental. It has cropped up in almost every case that has come before parliament. In an investigation of judicial conduct, is the house merely ascertaining in a judicial proceeding whether a judge's conduct warrants a removal under the law? If so, then the accused is entitled to be heard, he may employ counsel, the laws of evidence should be strictly observed—in short, the procedure is governed by the *lex terrae*.

The other view is that the whole procedure is purely discretionary with the houses. They may under the act vote for an address for any reason or for no reason. It is an act of power, and the procedure is entirely under their own control—a part of

the *lex parliamenti*. On this rock most of the cases have split. Fox's case was dropped, after two whole years of wearisome talk had been expended on it, because the lords' preliminary discussions of it would be a prejudgment of the case if it came up to them later under impeachment proceedings. That set one precedent. Baron Smith's case was also dropped, in the commons, because they could not agree on the boundary between their powers of control and criticism and their judicial functions. Barrington's case alone issued in a joint address, and that only after months of discussion, in which the accused appeared both in person and by counsel, cross-examined witnesses, produced papers, made formal objections to evidence, and was in general given all the privileges of an accused person allowed under the *lex terrae*.

I want to close with one or two observations with which you may agree or not:

1. That, owing to the change by which the king's ministers have passed under the control of parliament—or more properly the commons—and now seem to be passing under the more direct control of the electors themselves, the power of parliament to put a sharp question to the government in regard to the conduct of a judge—a power in no way due to the act of 1701, and one successfully employed many times in the last century—is sufficient safeguard against judicial incompetency or minor lapses of conduct, to which experience has shown the address cannot in practice be applied; and that for serious offenses impeachment is always possible.

2. That the procedure by address has proved to be very unsatisfactory in operation. Actually applied only once, and that away back in 1830, failing of operation several times, rendered ineffectual and uncertain because it involves the most unsettled point in the English system—the line between the law of parliament and the law of the land—I think we are to be congratulated that James Wilson's thorough understanding of the English constitution prevented its incorporation into our federal Constitution.

3. Whether the procedure on an address, in cases serious enough to warrant it, be in strict contemplation of law a judicial procedure under the *lex terrae;* or an arbitrary one under the *lex parliamenti;*

in every case *in practice* the legal guarantees and immunities of accused persons have been observed. And *therefore* to compare our political removal on a recall, by a simple popular vote without hearing or process of any kind either to the *law* of the Act of Settlement, or to this slow, elaborate, painstaking, conservative *practice* invariably employed in England under that law, is in my opinion misleading to the last degree. The main purpose of the English Act of Settlement was to make judges independent of what in the seventeenth century had claimed to be the sovereign power in the state—the crown. Our recall is to make them more entirely subject to the sovereign power. The two purposes are at the opposite poles.

I want to put in a plea for the historical study of our political problems such as judicial tenure. The danger of this society will never be antiquarianism; but it must share in guarding against the present danger of the colleges and the whole country—superficiality—a blind impatience with any serious study of how our institutions came to be. This impatience will soon lead to incapacity, for we can't know what we have unless we know how we got it. One way to avoid this serious danger is to devote ourselves to a really *scientific* study of present day political phenomena. But alongside this we must also set ourselves to a far more thorough and careful study of the past development of these institutions if we are to guide that development in the future safely through the troubled times which it takes no prophet to see approaching us.

Never were words more truly spoken than those of Sir John Seeley: "I venture to say that history without political science is a study incomplete, truncated, as on the other hand political science without history is hollow and baseless—or in a word, history without political science has no fruit; political science without history has no root."

NOTES ON CURRENT LEGISLATION

EDITED BY HORACE E. FLACK

Blue Sky Legislation: In 1911 the legislature of Kansas passed "An act to provide for the regulation and supervision of investment companies and providing penalties for the violation thereof" (ch. 133, Laws 1911). This law, popularly called "the blue sky law," has attracted wide attention and so many States have considered or are considering[1] the question of investment company regulation that the subject demands some notice.

The object of the Kansas law is to give the average investor every possible protection against the numerous companies which sell stock, bonds or securities of little or no value and thus to save to Kansas citizens millions of dollars heretofore taken out of the State each year by fake investing concerns which had in reality nothing to sell but "blue sky" and nothing to return to the investor but a highly ornamental stock certficate. The law compels all companies, persons or agents who desire to sell any stocks, bonds or other securities in Kansas to submit information to the banking department which will enable the bank commissioner to determine whether they have a bona fide proposition and one that is worthy of the confidence and consideration of the investor. This information includes a statement in full detail of the plan proposed, a copy of all contracts, bonds or instruments to be made or sold, the name and location of the investment company and an itemized account of its actual financial condition, the amount of its properties and liabilities together with such other information as the bank commissioner may require.

Foreign corporations or companies must file consent that actions may be commenced against them in the proper court of any county by the service of process on the secretary of state and that such serv-

[1] California, Wisconsin, Illinois, Missouri, Michigan, Minnesota, North Dakota, Ohio, Indiana, Maine, Massachusetts, New York, Washington, Arkansas, and Oklahoma. Newspaper dispatches declare that several other States are considering such laws but the writer has received no reliable information on this point, Most of the States mentioned seem to follow the Kansas law with little change.

ice shall be as binding as if commenced against such company itself. It is made the duty of the bank commissioner to examine all statements filed and if he finds such company solvent and that the proposed plans and contracts provide for a fair, just and equitable transaction of business, "and in his judgment promises a fair return on the stocks, bonds and other securities by it offered for sale" he shall issue a statement declaring that the said company has complied with the act and is entitled to do business in the State. If the commissioner does not recognize an investing company as the act provides it cannot do business in the state and agents of such outlaw companies are guilty of a misdemeanor and upon conviction may be fined for each offense not less than one hundred dollars nor more than five thousand dollars, or imprisoned for not less than ninety days, or both fined and imprisoned.

Investment companies are also required to file with the commissioner semi-annual statements of their financial conditions and such other information as he may require, or the right to do business in the State is forfeited. In general it may be said that the supervision of such companies is similar to that of the state banks by the bank commissioner.

During the first eighteen months of the operation of this law more than fifteen hundred companies applied for permission to do business in Kansas. Seventy-five per cent of these were mining, oil, gas and stock selling schemes of a fraudulent nature in which there could be no possible return for the money invested. Of the remaining 25 per cent about half were companies with highly speculative propositions and not at all bona fide investment opportunities. All together less than one hundred of the companies were given the right to do business in Kansas. Many companies withdrew their applications before having them passed upon and they thus lightened the burden of the bank commissioner. A recent statement of the commissioner declares that this law has already saved to the people of Kansas more money than it took to run the entire state government since the law was passed.

The wide publicity given to the Kansas law resulted in agitation for some such legislation in most of our States. Two of them, Connecticut and Arizona passed such laws at the last session of their legislatures. Manitoba and New South Wales have enacted the Kansas law with practically no variation. During this last winter almost every State in the Union has asked for copies of the Kansas law and for informa-

tion as to its workings from the Kansas bank commissioner. At the present writing (March, 1913) more than half of the American legislatures are considering bills regulating blue sky sales and West Virginia and Vermont have recently passed such acts. The Oregon law failed of popular ratification at the last general election.

Among the bills pending several show changes that are worthy of mentioning. The Bosshard bill (194 Senate, introduced in the Wisconsin legislature creates a corporation commission composed of several state officers to administer investment companies, provides for serial numbers upon investment advertisements, declares that the names of all persons who may get rewards or commissions from the sale of any stocks shall appear upon the contracts of subscription and requires a bond of one thousand dollars to be given by anyone to whom the State gives permission to sell such stocks. No attempt is to be made by the commission to determine whether the investments promise a reasonable return, the theory being that such legislation is paternalistic. The Culbertson bill (99 Wisconsin Senate) gives the jurisdiction over the investment companies to the railroad commission, its advocates holding that the validity of company claims can be most easily and definitely determined by the experts of that commission. The procedure of the commission under the law is similar to the method provided for finding physical valuations in the case of railroads.

One Indiana bill (Senate no. 10) creates a state securities board consisting of the governor, secretary of state and auditor which shall appoint an examiner of securities "chosen for merit only" and such assistants as may be necessary. Another (Senate no. 22) declares that the auditor shall supervise investments. The New York bill (433) establishes the office of commissioner of corporations and the governor is empowered to appoint a commissioner for a term of five years. Other features of this bill are like the Kansas law except that the filing fee is very much higher.

The agitation for blue sky legislation in Massachusetts resulted in a resolution (55 Resolves of 1911) providing for a commission to investigate such legislation and the need for it in Massachusetts. This commission reported to the legislature in January, 1913 (Senate no. 157), that it did not seem advisable to adopt the Kansas law, first, because they had doubts of its constitutionality and second, because it would not meet Massachusetts conditions. It was alleged that the sales of stocks and securities were usually made through

bankers and brokers in Massachusetts and that no complaints had been presented to the commission as to their operations. This report carried with it a suggested bill which is now being considered by the legislature. "The basic principle of the recommended bill is to govern and guard against the actions of persons who are engaged in the business of selling such shares and securities. . . . . It is also not intended to go too far in the line of paternalism or in making the Commonwealth an insurer of the investments of its private citizens. For this reason we do not recommend provisions requiring dealers to be licensed" but "the Commonwealth may well furnish fullest information to its inhabitants as to any form of business investment which may come within the terms of the act." This bill provides that the commissioner of corporations may stop the sale of securities if the provisions of the act are not complied with and he may advertise in the press or otherwise that certain securities are being sold without compliance with the act, that is, without the filing of information as to the character of the securities and a statement of financial conditions. The bill also provides for an appeal from the commissioner to a board consisting of the bank commissioner, the receiver-general of the State and the director of the bureau of statistics.

Another draft of such a law appears in a resolution adopted February 2, 1913, by the board of governors of the Investment Bankers Association of America. This resolution declares that "any measure requiring the payment of a registration fee of appreciable size or imposing too burdensome requirements as a preliminary to doing business, or compelling an examination and approval of each security before it may be offered for sale, will inevitably tend to narrow the number of dealers seeking to do business and the number of sound securities in which the citizens of the enacting State may invest." The general plan of the draft suggested by this association includes—(1) the right of some state officer to issue an order to a dealer not to offer for sale in the State securities which seem not to be offered in good faith. An appeal to the state courts is open to any such dealer upon receiving such an order; (2) It includes the filing of certain information as a prerequisite of doing business in the State as a notice that a dealer wishes to do business and as an opportunity for the officer to investigate if he wishes; (3) the fee for such filing should be small and the bill should apply to all who deal in securities even to banks and brokers; and (4) the act should be narrowed to apply only to new securities and those of doubtful value, excluding, of course, such invest-

ments as federal or municipal bonds. Securities of corporations the bonds of which are made a legal investment for savings banks should also be exempted from the operations of the law.

An examination of these two drafts and of those patterned upon the Kansas law will show the difference in theory upon which they proceed. The former recognize that investments are risks taken by the individual and there must be no attempt on the part of the State to guarantee them or pass upon the question of "reasonable profit or return." Moreover the business of regulation must be largely informational and a license to do business ought not to be required. There must also be an appeal from the action of the commission to an administrative board or to the courts. The latter declare that all securities sold within the State (with various exceptions such as government bonds and stocks of going utility concerns) must be approved by state authorities, that they should show a probable return upon the investment, and that the commissioner's decision is final, in short that stock selling concerns shall be supervised in exactly as strict a manner as are banks and trust companies.

It should be noted that within the last few weeks the Kansas law has been amended (Senate no. 485) to include companies selling land, making it incumbent upon them to show that the land held for sale is good and capable of development and that the improvements advertised have really been made. Provision is also made for licensing reputable investment brokers requiring only that they make a report each month of their sales and that they declare the sort of stocks and securities they have for sale. The state charter board is now associated with the bank commissioner in determining whether or not a company is to be allowed to sell securities in Kansas.

C. A. Dykstra.

County Legislation: Special legislation affecting counties has been on the increase in recent years. Such legislation has to do with the organization of the counties, with salaries of county officers, with financial and administrative powers. In order to remove the evils of special legislation, two methods, following the trend of municipal legislation, have begun to be employed. One of these methods is the application of the principle of "home rule" for counties which allows the voters of the county to determine their own form of government. This principle has been adopted in the State of California. The second method is to have a general county law with classification of

counties which shall allow for differences in number of officers and salaries according to the needs of the several counties.

Montana in an act passed in 1907 and amended in 1913 has provided for such classification of counties and an enumeration of county officers together with the compensation of such officers in the various classes. The county officers whose duties and responsibilities vary most in the different counties of the State are; the treasurer, sheriff, assessor, auditor, county clerk, clerk of the district court, county attorney and superintendent of schools. The law divides the counties of the State into eight classes on the basis of population and provides for different salaries, for the eight county officers mentioned, in the different classes.

Thus county treasurers receive salaries varying from $1500 in the eighth class to $3500 in the first class; sheriffs from $1800 to $4500; assessors $1000 to $3000; county clerks from $1200 to $3500; clerks of the district court from $1200 to $3500; county attorneys from $1000 to $3000; superintendents of schools from $600 to $2000. County auditors not found in the sixth, seventh, and eighth classes, vary from $1750 in the fifth class to $2500 in the first class. Such classification and general law relating to county officials relieves the legislature of a large amount of local legislation which biennially recurs where there is no such general law.

County legislation is not only feeling the effects of municipal experience in working out methods for the discontinuance of special legislation, but it is also being influenced by the newer methods of municipal organization, especially that of the commission form. This is seen not merely in the fact that Denver coterminous with Denver county has recently adopted the commission plan, but in the fact that Wisconsin after having passed a general law for the establishment of the commission form of government for such cities as may choose to adopt the provisions of the law, is now considering the passage of a law which shall provide for an optional commission plan of government for all counties except those which have two hundred and fifty thousand population or more. Milwaukee county alone would come under the exception.

The bill provides that upon petition of 12½ per cent of the voters, based upon the vote for the office of governor at the last election, there shall be held a special election on the succeeding first Tuesday of April, to submit to the voters the question of the adoption of the commission plan. The petition must be signed by electors in at least

five towns, cities or villages, in the county and must be filed with the county clerk at least forty days prior to the time of the special election.

A majority of those voting upon the question voting affirmatively is sufficient to adopt the provisions of the law. If a majority are opposed the question can not be submitted again for two years. For counties voting to adopt the commission form of government and having an assessed valuation of $25,000,000 or over the law provides that there shall be a board of five commissioners to be known as county commissioners to take the place of the county board of supervisors. In counties having an assessed valuation of less than $25,000,000 the law provides that the board of commissioners shall consist of three commissioners. The county commissioners are to be elected from single member districts in the county, but these districts must be of contiguous territory and no town or city ward may be divided. The commissioners are to be elected, in counties where there are five, one for one year, one for two years, one for three years, one for four years and one for five years in the respective districts numbered 1, 2, 3, 4 and 5, and thereafter, and at the expiration of their respective terms, one commissioner is to be elected for five years.

In counties having three commissioner districts, the commissioner of district number one is elected for one year, district number two for two years, and district number three for three years, and thereafter, and at the expiration of their respective terms there is to be elected one commissioner for a period of five years.

The board elects its own chairman. The county clerk is made the clerk of the county commissioners.

The commissioners receive a compensation of five dollars per day for actual services but may receive pay for not more than forty days within a given year.

The board is required to hold regular bi-monthly meetings and such special meetings as may be called by the clerk upon request of the chairman or a majority of the commissioners. Any county having operated under the plan may upon petition after a period of six years hold an election to determine whether the plan shall be continued or whether there shall be a return to the board of supervisors system.

In Michigan the legislature of 1913 has conferred larger administrative and legislative powers upon the county board which is in that State the board of supervisors representing the towns of the county.

By the new law the board of supervisors will have power upon a

three-fifths vote of the board to divide or alter in its bounds any township, or erect a new township, or organize or consolidate townships upon application to the board of at least twelve freeholders in each of the townships to be effected by the division, and upon being furnished with a map of all the townships effected showing the proposed alterations. If the board grants the application a copy of the map and a certified statement of the action is filed in the office of the clerk of the county; and also a certified statement of the action is filed with the secretary of state who shall have the same published with the laws of the next legislature. The board of supervisors are also empowered to submit to a vote of the electors of the county a proposition to issue bonds or to levy a tax to pay any indebtedness or judgment due on the part of the county to the State.

There is a bill before the New Hampshire legislature, which if adopted, will aid in shortening the ballot for county officers in that State. This bill is one that provides for a change in the method of electing county commissioners. Instead of the election of all three commissioners every two years, the proposed law, following the method in Maine, provides for the election of one commissioner biennially and for a term of six years.

FRANK A. UPDYKE.

Inheritance Tax Law of Indiana: The State of Indiana, at the session of the general assembly just closed, instituted a far-reaching and salutary reform in her fiscal system by enacting a law imposing a tax on the transfer of real and personal property. During the last few years the subject of the taxation of inheritances has claimed the attention of our ablest economists, and has been successively adopted by our most important commonwealths. Prior to 1913, inheritance tax laws were in operation in thirty-nine States, and in every northern State except Rhode Island and Indiana. As an economical, convenient and scientific form of taxation, the inheritance tax has achieved an increasing and well-merited popularity, and within the last five years twenty-four States have either passed such laws or amended existing laws by the incorporation of more scientific provisions, designed to provide for the classification of heirs, the extensive introduction of progressive schedules of rates, the general raising of rates, the general lowering of the property exemptions granted to direct heirs, and the progressive application of the tax to both personal and real property. As a revenue producer the law has proved abundantly successful.

New York now derives a revenue of more than $8,000,000 annually, from the imposition of a tax on inheritances; Illinois and Massachusetts, approximately $2,500,000; Pennsylvania and Connecticut over $1,000,000; and a half dozen other States from $300,000 to $500,000. During the past half dozen years several fruitless attempts have been made in the State of Indiana to secure the passage of such a law, but not until the present year were the proponents of this fiscal measure successful in their efforts. This law, which was approved on February 28, and which will become operative about May 1, is an excellent piece of legislation, and embodies the chief features of the so-called "model inheritance tax law," the provisions of which were recommended by the Fourth International Tax Association Conference in 1910, after a special committee of that Association had devoted two years to the study of the subject. Rates, designated as primary rates, are imposed on all sums not in excess of $25,000, ranging in amount from 1 per cent in the case of direct or lineal descendants to 5 per cent in the case of remote relatives, strangers, or corporations. When the amount is in excess of $25,000 and less than $50,000, the rate varies from 1½ per cent to 7½ per cent; when in excess of $50,000 and less than $100,000 from 2 per cent to 10 per cent; when in excess of $100,000 and less than $500,000 from 2½ per cent to 12½ per cent; and a rate which varies in amount from 3 per cent to 15 per cent is imposed on all sums of $500,000 or over. Property which is transferred or bequeathed solely for religious, charitable, or educational purposes, or strictly for the use of a county, town or city is exempt from taxation. An exemption of $10,000 is allowed to the widow of a decedent, and $2000 to each other direct or lineal descendant or ancestor and exemptions ranging in amount from $100 to $500 is granted in the case of relatives more remote, strangers or corporations, A discount of 5 per cent is allowed if such tax is paid within one year from the time it accrues. The tax is imposed on the fair market value of the estate at the time of transfer and such value is determined by a competent appraiser, appointed by the circuit court of the county wherein the estate is situated. The act provides for the appointment of an inheritance tax investigator by the governor, upon the recommendation of the state board of tax commissioners, who is required to make personal investigations into the operation and administration of the law, and to accumulate such data and information as may be necessary to its efficient execution. All taxes which are collected under

the provisions of this act are covered into the state treasury and are applicable for the necessary expenses of the state government.

CHAS. KETTLEBOROUGH.

Legislative Procedure: There has recently been adopted by the house of representatives of the Illinois general assembly an amendment to its rules, which has occasioned considerable discussion and which reads as follows:

"When any bill or resolution is introduced for the purpose of carrying into effect any recommendation of the governor, it may by executive message addressed to the speaker of the house be made an administrative measure. An administration measure may be sent to the appropriate committee or it shall upon request of its introducer, be sent to committee of the whole house. When such a measure has been reported out of committee, it shall have precedence in the consideration of the house over all other measures except appropriation bills. The house shall sit in committee of the whole for the consideration of administration measures on Tuesday morning immediately after the reading of the house journal."

The purpose of this rule is obvious. It is intended to give assurance to the governor that measures which he recommends will be given fair consideration and by such assurance to impose on him the obligation to have a legislative program. By so doing, it is hoped to give greater significance to party platforms and make in some small degree for party responsibility and party government.

It will be noticed that an administration measure *shall* be sent to the committee of the whole house upon request of its introducer. It is therefore mandatory so far as the rules are concerned that it be sent there on the request of the introducer. In practice the introducer will look over the standing committee to which the bill might otherwise be sent, and if he considers the personnel of the standing committee hostile to his measure will ask that it go to committee of the whole House. If the standing committee in question is favorably inclined he may prefer to have the bill go to such committee, especially if there is already a congestion of business before the committee of the whole house. Either method is open to him.

It will further be noticed that the rule sets a definite time, viz., Tuesday mornings, usually the time when the attendance is largest for consideration of administration measures. This is but recognizing

that under a proper system of party government administration measures ought to be the main matters for legislative consideration. The constitution of Illinois, like the constitution of most States, requires that the governor shall make recommendations to the legislature of necessary legislation. Political practice also recognizes the chief executive as the party leader. It is right and proper, therefore, that having the obligation of making recommendations to the legislature and being recognized as the party leader, he should have the right to have his recommendations considered—if need be even to the exclusion of other measures.

The rule is a distinct innovation in American legislative practice and has its precedent in the English parliamentary practice which gives to "government bills" as they are called precedence over "private members' bills." It but recognizes what is everywhere beginning to be recognized that the American separation of the executive and legislative departments of government is artificial and not in accord with the way in which men must act together in political parties under responsible leadership, unless popular government is to degenerate into drifting currents of chaos and confusion whipped hither and thither by irresponsible demagogues.

While the new rule follows an English precedent and it is hoped will help to make for party responsibility, the practice of English parliamentary government, which puts the English party leaders on the floor of the legislature to introduce and guide legislation is, of course, lacking. In this connection it is interesting to call attention to the recommendation made by ex-President Taft in a recent public speech that the members of the President's cabinet should be given seats in Congress. Even more significant is the proposed constitutional amendment which was submitted to the voters of Oregon at the last election and I believe defeated, which provided for the consolidation of the two houses of the Oregon legislature into one, and which put the governor on the floor of the new legislative body with the right and duty to initiate legislation. When it is remembered that this proposed Oregon amendment came from Mr. U'Ren, its significance is better appreciated.

"The will of the people" so much talked about in these days by political evangelists, if it is to be a steady burning beacon of political guidance, and not merely the fitful gleam of political heat lightning, must be organized into parties, with responsible leadership, seeking to accomplish definite programs of legislation. It is to give definiteness,

responsibility and method to this rule of the people that this new legislative rule was invoked. Its effectiveness must of course depend like all other political instruments, upon the men who use it.

MORTON D. HULL.[1]

Vocational Education: *Legislation of 1912–1913.* In a previous article in this publication (November, 1912), a running review was given of what has been accomplished in legislation setting up systems of state aid for vocational education, up to the close of the year 1911. It is the purpose of this statement to point out, in a general way, both what was accomplished in the year 1912, and the legislation which is under consideration in different States of the Union, for the year 1913.

LEGISLATION FOR 1912. On the first of January (1912) the Wisconsin law went into effect, requiring all employed children between fourteen and sixteen, who had not graduated from the elementary school, to attend part-time and continuation schools and courses, not less than five and not more than eight hours per week. The Massachusetts act of 1911, codifying and revising the vocational education law was amended by chapter 106, of the acts of 1912. Up to the passage of this act, state aid for evening instruction was confined to those classes which were made up entirely of those who were employed during the day time in occupations, for which the work of the evening class gave more or less direct preparation. Notwithstanding a strong feeling that evening classes in household arts for factory girls, who are not employed in the home during the day, were greatly needed and should receive encouragement, it was impossible to aid them by state grants. The act of 1912 (chap. 106) extended aid from the treasury of the commonwealth to classes in the household arts, approved by the board of education, for women, no matter how engaged during the day.

The Page and Lever Bills. These two measures provide federal aid for vocational education: the Lever bill, House 22871, for extension teaching in agriculture to mature farmers, $3,500,000 annually, and the Page bill, Senate no. 3, a final total of $14,000,000 annually for

[1] Mr. Hull is a member of the Illinois house of representatives and is responsible for this rule. He prepared this note at the request of Prof. Ernst Freund, chairman of the committee of the American Political Science Association on legislative methods. It is the purpose of this committee to furnish notes of this character from time to time for this department of the REVIEW.

extension teaching in agriculture for farmers, branch testing and breeding stations, preparation of teachers for service in vocational schools and vocational schools, giving instruction through all-day, part-time, continuation and evening classes, for the farm, the home and the shop.

The Lever bill having passed the house, and the Page bill having passed the senate, the inability of the friends of these two measures to agree upon a satisfactory compromise in joint conference committee between the two houses in the closing hours of the last congress, caused both bills to die in conference. It seems assured that legislation, giving national grants for vocational education will be enacted at an early date. The only debatable question seems to be the conditions surrounding the appropriations of the money to the States. The working out of this problem raises questions as to the relationship of the national government to the States in the field of education, which will be of interest, not only to educators but to every student of our constitutional government.

LEGISLATION FOR 1913. *Indiana.* The commission on industrial and agricultural education for this State, appointed in 1911, presented to the legislature, in connection with an excellent report on the subject of vocational education, a series of bills, which were made laws practically without opposition.

The compulsory education laws of the State were codified and some excellent changes made in the machinery for its enforcement. A state board of truancy, consisting of the state superintendent of public instruction, a member of the state board of education and the secretary of the state board of charities, was created to enforce the new law. It will be impossible within the limits of this statement to even point out all the praiseworthy features of this codification. No child under sixteen years of age is permitted to enter employment until he has passed the fifth grade in the common schools. All children between fourteen and sixteen years of age must be either in school or at work. When they lose their employment, they are required to return to school.

In what is probably the most comprehensive statute yet enacted, the Indiana legislature established a state system of vocational education, giving state aid for training in industries, agriculture and domestic science, through all-day, part-time, continuation and evening schools. This work is to be carried on either in separate schools or in departments of regular high schools. In every case, the local con-

trol is vested in the regular board of education for the community and the laws are to be administered, as a whole, by the state board of education.

The meaning of such terms as "vocational education," "industrial education," "agricultural education," " domestic science," "evening class," "part-time-class," as used in the law, is defined in the first section, and the definitions themselves are, with some slight modifications, taken from the Massachusetts act of 1911.

An "approved school or department" is defined to mean an organization under a separate director or head, of courses, pupils and teachers approved by the state board of education. In a sense when the approved work is given under the same roof with other public school activities, the work remains separate in order that it may realize its dominant purpose of fitting for wage earning.

The instruction which is to receive state aid is to be of less than college grade and designed to meet the vocational needs of children over fourteen years of age who seek preparation for their work, most of whom come to the vocational schools without having finished the elementary school course. Attendance upon such day or part-time classes is restricted to persons over fourteen and under twenty-five years of age; and upon evening classes to persons over seventeen years of age. The state board of education which is charged with the administration of the act has been reorganized, so that seven of its members must be professional educators and five may be laymen. Two of these laymen must be citizens of prominence, three of them shall be actively interested in, and of known sympathy with, vocational education. One of these last three shall be a representative of employees and one of employers.

The state superintendent of public instruction is made the executive officer and a deputy superintendent is to be placed under him in charge of industrial and domestic science education. The agricultural work being carried on by another deputy or agent who shall combine with his duties, as assistant at Purdue University, the Agricultural and Mechanical College of the State, that of supervising the agricultural education under the state superintendent.

Local communities are required to supply the plant and equipment for carrying on the work, which, when it has been approved by the state board of education, is to be reimbursed out of the state treasury to the amount of two-thirds the salary of each teacher giving instruction either in vocational or technical subjects.

In order to secure the benefit of the knowledge and coöperation of the layman, local school authorities are required to appoint, subject to the approval of the state board of education, advisory committees composed of members representing local trades and industries, whose duty it shall be to counsel with and advise the board and other officials in the conduct of the affairs of the school.

A special tax of one cent on each one hundred dollars of taxable property in the State is authorized. Any part of the fund remaining at the close of the fiscal year, not allotted to schools under the act, is to be placed in a permanent fund for the support and encouragement of vocational education.

Pennsylvania. A bill is now pending before the Pennsylvania senate which passed the house on the tenth day of March, 1913, by a vote of 182 to 2, and which seems certain to become a law at an early date. This bill is very similar to the Massachusetts act of 1911 and to the Indiana act of the present year. Such terms as "vocational education," "industrial education," "agricultural education," are defined in the same way. The state board of education administers the act, with the state superintendent of public instruction as the executive officer.

The schools established give training in agriculture, trades, industries and home economics, in day, part-time and evening classes. Local communities are required to build and equip the school. When their work has been approved by the state board of education, the community is reimbursed in an amount equal to two-thirds the salary of the instructors.

The regular board of education is in charge of the local schools. They are required to appoint advisory committees composed of members representing local trades, industries and occupations, to aid them in making the work practical and effective.

New Jersey. A bill creating a state system for vocational education is on its way through the New Jersey legislature and will doubtless be passed. In general this measure is similar to those of Massachusetts, Indiana and Pennsylvania. The terms employed are similarly defined in the opening section. The work is to be administered by the state board of education and local boards of education, and may be carried on in either approved schools or departments; these departments must consist of separate courses, pupils and teachers.

Advisory committees are not provided for in the act, but it is expected that these will be required under authority upon the board

of education, conferred by previous legislation. The state aid for schools which have met with the approval of the board of education is to be equal to one-half the amount appropriated for the city or district for the current expenses of the schools. Not more than $10,000 is to be given by the State as reimbursement to any one school or department, and not more than $80,000 is to be expended under the terms of the act.

Connecticut. In 1909, this State established a system of state trade schools administered by the state board of education, through its secretary, as the executive officer. Two schools have been established under this act, one at New Britain and one at Bridgeport.

A law is now before the Connecticut assembly which bids fair to pass, extending the scope of the act of 1909.[1] The state board of education is empowered to establish part-time, continuation and evening schools, and the school authorities in every city, town or district are authorized to establish all-day, part-time or evening schools, giving instruction in trades, useful occupations and vocations. In such cases, the local community must supply the plant and the equipment. When the work has been approved by the board of education, the State shall pay one-half the expenses of instruction not to exceed in any case $50 per scholar in average attendance. The state board of education and local authorities are required to appoint advisory committees composed of employers and employees to give advice and assistance in the operation of these schools.

When part-time and continuation classes are established by local authorities, they are empowered to make the attendance upon such classes compulsory, upon any or all children between fourteen and eighteen years of age, who are not attending other schools. Such attendance shall be required for not less than 340 hours per year. Both parent and employer are already responsible for this attendance.

New York. By the act of 1910,[2] a system of state-aided vocational schools was established to be administered by the state board of education and local boards of education through the State. A law now pending which seems certain to pass extends the grants by the State, from day schools of various kinds giving training in agriculture, home economics and trades and industries, to part-time, continuation and evening schools as well. The aid is increased from $500 for the first teacher employed in a vocational school, and $250 for each additional

[1] Chap. 85, Laws 1909.

[2] Article 72 of chap. 16, Revised Laws of 1910.

teacher, to two-thirds the salary of the first teacher and one-third the salary of each additional teacher. On the new basis, this aid will amount to about 28 per cent of the operating expenses of the school in larger centers, and about 39 per cent in rural communities; the remainder of the cost of maintenance being made by the local communities. An additional aid of $200 is given in some cases for the salary of instructors in agriculture in rural schools, so that they may be employed eleven months during the year and thus be able to supervise summer work on the home farms of the pupils.

Another law which will doubtless receive favorable consideration at the present session, authorizes local communities to establish part-time and continuation schools and to require permit children, so-called, between fourteen and sixteen years of age, who have not graduated from the elementary school, to attend for from four to eight hours a week, between 8 a.m. and 5 p.m., for not less than thirty-six weeks per year. This is purely a local option measure putting into the hands of the local board of education the power to extend the compulsory education law in this way.

In cities of the first and second class, permit boys between fourteen and sixteen have been required to attend evening schools. Under this proposed legislation, it is possible for these cities to substitute attendance upon part-time and continuation classes during the day as described in the foregoing, in place of such evening attendance.

Illinois. Two bills are now pending before the Illinois legislature, one known as the Blair bill and one known as the Cooley bill. The former proposes to carry on with state aid, vocational education through the regular public schools of the State, and the latter through a separate state board of control and a separate local board of control, entirely independent of the regular public school system. The former is sometimes known as the "unit" system and the latter as the "dual" system. Every circumstance seems to indicate that neither of these bills will pass at the present seession, and therefore they need not be discussed here as they do not seem to represent prospective legislation.

Washington. A bill is now pending before the Washington legislature which does not seem likely to pass at this session, modeled on the same lines as what is known as the "Cooley" or "dual" system bill of Illinois. Inasmuch as these columns are devoted to actual and prospective legislation, this measure will not be treated here.

Massachusetts. The act of 1911, chapter 471, is likely to be amended so as to authorize school committees, with the approval of the state

board of education, to require every child between fourteen and sixteen years of age who is regularly employed not less than six hours a day, to attend school at the rate of not less than four hours per week, during the school year. The course of study for these children must be approved by the board of education. The attendance must be during the day time between seven o'clock in the morning and six in the evening of any working day or days.

Another measure which will probably become a law raises the compulsory school age from fourteen to fifteen, for all children, and for illiterates from sixteen to seventeen. Attendance on a vocational school of children fourteen years of age is accepted as school attendance.

Rhode Island. Chapter 845 of the acts of 1912, grants state aid to the amount of one-half the operating expenses, to towns carrying on instruction in agriculture and training in the mechanic and other industrial arts, which are approved as to equipment, instruction, expenditure, supervision and conditions of attendance by the state board of education. The work of manual training high schools and other secondary schools, maintaining manual training departments, is specifically exempted from state grants under this act. Five thousand dollars is appropriated to meet the allotments of money under the Act.

New Mexico. Adopted a law, chapter 52, acts of 1912, which, while it does not grant money out of the state treasury for the benefit of vocational schools, did empower the state board of education to prescribe and adopt a course of study in industrial education for the public schools; required the teaching of this course in the schools, and authorized the appointment by the state superintendent of public instruction of a state director of industrial education, whose duties were defined in the statutes and whose compensation was appropriated.

C. A. PROSSER.[1]

Workmen's Compensation: Since there is so much interest in workmen's compensation and employers' liability legislation, it may be well to give a brief historical sketch before outlining the more recent laws on the subject. Massachusetts took the first step toward a better system of dealing with industrial accidents by enacting in 1887 the first employers' liability law enacted in the United States.[2] This law was only partially successful while greatly increasing litigation. The first English compensation act of 1897 caused public

[1] Secretary National Society for the Promotion of Industrial Education.

[2] Mass. Laws of 1887, chap. 270.

interest to be taken in the subject, and Maryland enacted the first compensation statute in 1902.[1] This act was held invalid by the court of common pleas of Baltimore, April 28, 1904, so that no opportunity was afforded to determine how the law would operate. No further law was enacted until 1909, when Montana passed a law which applied to employees in coal mines only. This law was likewise held invalid (44 Mont. 180). In 1910, New York passed two laws relating to compensation of injured employees. One of these was elective and applied to all employers of labor, the other being compulsory and applicable only to certain hazardous industries. The compulsory law was held unconstitutional by the court of appeals (201 N. Y. 171), but the elective law is still in force. In 1911, ten States, California, Illinois, Kansas, Massachusetts, Nevada, New Hampshire, New Jersey, Ohio, Washington and Wisconsin, and in 1912, four States, Arizona, Maryland, Michigan and Rhode Island, enacted laws on the subject. A previous article[2] gave a synopsis of the laws of California, Kansas, New Hampshire, New Jersey, Ohio and Washington. Commissions have been appointed to investigate the subject of employers' liability and workmen's compensation and to draft laws in Colorado, Connecticut, Delaware, Iowa, Missouri, Nebraska, North Dakota, Oregon, Pennsylvania and West Virginia. All, or nearly all, of these have submitted reports with drafts of laws for the legislatures which met this year, and laws have already been enacted in West Virginia, Oregon and Colorado, and possibly a few other States. In addition to the above, the matter has been under consideration by state officials or unofficial bodies in Louisiana, Oklahoma, Maine and Texas. With few exceptions, the laws enacted have followed an investigation and report of a commission appointed for the purpose of investigating the subject. During the past three years, commissions or officials have made reports in the following States: New York, Massachusetts, New Jersey, Illinois, Ohio, Minnesota, Iowa, Connecticut, Washington, Wisconsin, Oregon, Pennsylvania and West Virginia.

A very important conference of state commissions was held in Chicago, November 10 to 12, 1910, as a result of which two acts were drawn representing the opinions of the delegates. The results of this conference have done much to influence the character of legislation in the several States which have enacted compensation laws.

[1] Md. Laws of 1902, chap. 139.

[2] Am. Pol. Sci. Rev., November, 1911.

Arizona.[1] The Arizona law became effective September 1, 1912, and is one of the few laws which is compulsory. It applies to certain "especially dangerous" employments enumerated in the act. It is declared to be against public policy for any employer to fail to exercise due care to insure the safety of his employees, or for the employees to have to bear the burden of loss due to accidents. The common law doctrine of no liability without fault is abrogated as to the employments mentioned in the act. All injuries due to accidents in the employments enumerated are covered except those which do not result in more than two weeks' disability. No provision is made for medical attendance except in fatal cases nor is there any mention of alien nonresident dependents. Employers and employees may make contract for compensation outside of the act if it is equal to that provided by the act. The law also permits the employer or employee to reject any settlement and to retain their rights under other laws. Employers and employees in employments not included in the act may by agreement accept the provisions of the act. The act is declared to be remedial in its purpose and is to be construed and applied to secure promptly and without burdensome expense to the workmen the compensation provided. The amounts of compensation are: For total incapacity to work extending beyond a period of two weeks, 50 per cent of his average semi-monthly earnings, to be paid semi-monthly to the injured workman during disability, but not exceeding $4000. The payments date from time of accident. For partial disability, the semi-monthly payments are to equal 50 per cent of the loss of earning capacity but not to exceed the maximum amount of $4000. For death, resulting from accident within six months thereafter, 2400 times one-half the daily wages of the decedent, but not more than $4000, is payable to the personal representative of the deceased, to be held in trust and applied to the support of the widow and children, or in the absence of such dependents, to the support of "a father or mother or sister dependent on him for support." If there are no dependents, the employer must pay the reasonable medical and funeral expenses. Provision is made for the examination of the injured workman by a competent doctor, each party being allowed to have a medical representative. Notice must be given the employer of accident where same is not fatal and compensation cannot be claimed until such notice is given, but defect or inaccuracy in notice is not a bar to recovery.

[1] Chap. 14, Special Session, 1912.

All questions arising under the act may be determined: (1) by written agreement between the parties, (2) by arbitration, or (3) by submission to the attorney-general of the State. In case the parties fail to reach agreement by either of these three methods, the controversy may be determined by a suit at law.

Illinois.[1] It is optional with the employer and the employee whether the compensation provided by the act is applicable or not, but if the employer does not elect to accept the act, he cannot use as a defense in an action brought by injured employee: (1) That the employee assumed the risks of the employment; (2) that the injury was caused by the negligence of a fellow servant; (3) that the injury was due to contributory negligence. Unless the employer files a written notice with the state bureau of labor statistics to the contrary, he is presumed to have accepted the provisions of the act. The act applies to all injuries (except those deliberately self-inflicted) in certain hazardous employments enumerated and became effective May 1, 1912. There is a waiting period of seven days, with medical expenses not exceeding $200 for eight weeks. If the employee has accepted the provisions of the act, he cannot recover damages for injury under any common law or statutory right other than the compensation provided in the act, unless the injury is caused by the intentional omission of the employer to comply with a statutory safety regulation. The amounts of compensation are as follows: For death, a sum equal to four times the average annual earnings of the deceased employee, but not less than $1500 nor more than $3500, is to be paid to dependent widow, children, parents or other lineal heirs. If collateral heirs are dependent on his earnings, a proportional amount is to be paid them. The amounts are to be paid at the same intervals at which the deceased employee was paid, or weekly, at the rate of one-half the average wages. If no dependents, funeral expenses not exceeding $150 are to be paid. For total disability, 50 per cent of his wages, not less than $5 nor more than $12 per week, for a period of eight years or until $3500 has been paid, after which time 8 per cent of the death benefit is payable for life in monthly instalments of not less than $10 each. There is a partial enumeration of injuries which shall be considered as permanent disabilities. For partial disability there is a weekly payment proportional to the employee's loss of wages, not, however, to exceed the death benefit. In case of a disfigurement to the hands

[1] Laws of 1911, p. 314.

or face, without resulting disability, the arbitrators may award suitable compensation not exceeding one-fourth of the death benefit. The basis for computing the annual earnings is contained in the act, as are the usual provisions for medical examination and notice of accident. Controversies arising under the act are determined by three arbitrators, one chosen by each of the parties and the third by the judge of the county court. An appeal can be taken from the decisions of the arbitrators to the court, where a trial by jury may be claimed. The law requires all employers in employments subject to the act to report to the state bureau of labor statistics all fatal accidents and such others for which compensation is paid as results in more than a week's loss of time. It is provided that the invalidity of any portion of the act shall in no way affect the validity of any other portion thereof which can be given effect without such invalid part.

Maryland.[1] The Maryland law which became effective April 15, 1912, is voluntary on the part both of the employer and employee. It legalizes for both the making of an insurance contract against an accident resulting in personal injury or death. By this the employer is relieved from liability which he would bear but for the contract. The insurance must be effected in some casualty company authorized to do business in Maryland, unless the employer has at least 1500 employees. In that case he may establish an insurance fund from the sums contributed by himself and his employees. If that be done, however, the employer must agree to make up any deficiency which may arise from the inadequacy of such fund. The insured employees also have the right to elect an advisory committee which is to be kept informed regarding the state of the insurance fund, with the power to examine the books. The insurance commissioner is to have the same power to examine the books of such funds as he now has regarding the books of insurance companies. In fact, the commissioner may become the depositary of the securities in which such funds are invested.

The accident insurance provided for in the law covers the risk of personal injury by accident resulting in death, provided death occurs within twelve months, or resulting in disability, whether it be total or partial, permanent or temporary. It is provided, however, that no one shall be entitled to benefit where the injury is the result of the employee's intoxication or there is a deliberate intention to produce such injury. The insurance, in case of death, is for the benefit of the

[1] Laws of 1912, chap. 837.

widow, widower, father, mother, son, or daughter, who is dependent wholly or in part upon the earnings of such employee.

The benefits provided in case of death equal the wages of the employee during a period of three years preceding the accident but not less than $1000. If not employed for a period of three years, then the benefit shall be 156 times his average weekly earnings during the period of such employment. The above benefits go to those dependent wholly upon his wages. Other arrangements are made for those only partly dependent. As to injuries resulting in total disability, a weekly payment is to be made during such disability equal to at least 50 per cent of his average wages during the previous twelve months. Where the injury results in partial disability, weekly payments shall be made during such period equal to the difference between the weekly benefit payments during the period of total disability and the average amount which the injured person is able to earn.

Massachusetts.[1] The Massachusetts law went into effect July 1, 1912. It is an elective compensation law, but all employers of persons other than domestic servants or farm laborers are subjected to an increased liability if they do not accept it. Provision is made that insurance must be taken out in the Massachusetts Employees Insurance Association, a mutual company on the German plan, or in a liability company. All injuries received in the course of employments, except those due to the wilful misconduct of the injured employee, are covered by the act. Massachusetts has introduced a new feature, however, by providing that where the injury is due to the serious and wilful misconduct of the employer, or of his superintendent, the amounts of compensation are doubled. The commission states that, if the English decisions as to the meaning of "serious and wilful misconduct" in the 1897 act are followed, the penalty of a double compensation will be imposed on employers who fail to comply with statutory safety regulations. It is also stated by the commissions that it only seemed equitable to impose a double liability where injury was due to wilful misconduct of the employer, since similar conduct on the part of the employee released employer from any liability whatever. A waiting period of two weeks is provided, but medical attendance during this time is required. The act also provides that those who are usually in fact dependent shall be conclusively presumed to be so in order to avoid litigation. Compensation is provided as

[1] Laws of 1911, chap. 751; of 1912, chap 172 and 571.

follows: For death, a weekly payment to dependents of 50 per cent of the average weekly wages of the deceased, with minimum and maximum of $4 and $10 per week, for three hundred weeks (total minimum and maximum being $1200 and $3000), with proportionate amounts for partial dependents. When there are no dependents, expenses of last sickness and burial, not exceeding $200, are to be paid. For total disability, 50 per cent of average weekly wages, not less than $4 nor more than $10 per week, for five hundred weeks, but not to exceed $3000. For partial disability, 50 per cent of the loss of earning capacity, but not more than $10 per week for three hundred weeks. In addition to the compensation as stated above, the act contains a list of specified injuries for which additional payments must be made, the amount being specified for each injury. For example, for the loss of both hands at or above the wrist, 50 per cent of the average weekly wages, not more than $10 nor less than $4 per week, for a period of one hundred weeks. In an injury of this kind, the injured employee would receive from $400 to $1000 in addition to the other compensation to be received. An industrial accident board of five members is created to supervise the operation of the act. Employers are required to report all accidents to this board. Controversies are determined by an arbitration committee under the chairmanship of a member of the board, the other two members being chosen by the parties. An appeal is allowed to the entire board whose determination of facts is final. Questions of law may be taken to the supreme judicial court. The Massachusetts commission followed the language of the English act of 1897 whenever possible, in order to avoid litigation as to meaning of phraseology. The justices of the supreme judicial court of Massachusetts, in an opinion to the state senate, July 24, 1911, pronounced the law constitutional.

Michigan.[1] The Michigan law went into effect September 1, 1912. It is elective, but with the added requirement that the employer shall provide for the payment of compensation in one of the four ways mentioned in the act. The law applies to all employees, except domestic servants and farm laborers. The act abolishes the old defenses of negligence (unless wilful), fellow-servant and risk of employment. A somewhat unusual feature is that public employees (of the State, city, etc.) are included. The four ways by which an employer may provide for compensation are: (1) Furnishing satisfactory proof

[1] Session 1912, house enrolled Act no. 3.

to the industrial accident board of his solvency and financial ability to pay the compensation as required by the act. (2) Insuring against liability in employers' liability company (stock company). (3) Insuring in employers' liability association (mutual company). (4) Subscribing to a state fund under the administration of the insurance commissioner, the details of which are prescribed.

There is a waiting period of two weeks, but compensation for these two weeks is to be made to one who is incapacitated for eight weeks. Medical attendance is required for the first three weeks. The compensation in case of death is 50 per cent of the average weekly wages of the deceased, with $4 and $10 as the minimum and maximum payments per week, for three hundred weeks for dependents, and proportionate amounts for those partly dependent. With no dependents, the expenses of last sickness and burial up to $200. For total disability, the payment is 50 per cent of average weekly wages, not less than $4 nor more than $10 a week, for five hundred weeks, with total maximum of $4000. For partial disability, 50 per cent of the loss of earning capacity, not exceeding $10 a week, for three hundred weeks. In addition to the above, there is a long list of injuries for which the amounts of compensation are specified. An agreement by an employee to waive his rights to compensation under the act is made invalid. The law creates an industrial accident board of three members. Controversies are to be determined by an arbitration committee constituted in same manner as in Massachusetts. The powers of the industrial accident board are very similar to those of the Massachusetts Board, and on the whole there is quite a similarity between the Michigan and Massachusetts laws. All employers are required to report all accidents to the board.

HORACE E. FLACK.

CURRENT MUNICIPAL AFFAIRS

ALICE M. HOLDEN

At the special election of February 14, the citizens of Denver had four propositions submitted for their decision. These were (1) that a charter convention be held, (2) that the city charter be amended so as to provide for commission government, (3) that the city charter be amended to provide for non-partisan elections and preferential voting, and (4) that a referendum ordinance be passed providing for reduced telephone rates, and adjusting the rates charged in Denver for telephone service. The results of these votes gave to Denver the immediate non-partisan commission form of government. Very large majorities were secured also in favor of lower telephone rates and in opposition to holding a charter convention. May 21 is the date set for the election at which the five commissioners and one auditor will be chosen to administer the city government. Nomination to office is by petition only, to be signed by not less than one hundred qualified voters. The five commissioners are for the departments of property, finance, safety, improvements, and social welfare. In regard to telephone rates, the city charter reserves to the people "all power to regulate the charges for service by public utility corporations." The telephone company has refused to comply with the terms of the ordinance voted on February 14 and thereby denies the right of the city to regulate its charges. It is said that the mayor will enforce the ordinance should that become necessary.

On March 4 the voters of Seattle, in addition to choosing three councilmen, passed upon the usual large number of propositions and charter amendments, in this instance nine and eleven respectively. The result was interesting in many regards. At the primary held two weeks before the election forty-four persons had presented themselves as candidates for the six places on the final ballot, owing partly to the fact that the courts had held that the city had no authority under the existing laws to collect a filing fee. Notwithstanding, however, that there are six to be nominated, each voter may vote for only three. Under these conditions, with a non-partisan system of nomination

and election, there is great need of a public-spirited organization to investigate and publish the records of the candidates, and to make recommendations to the voters. The Municipal League of Seattle has recognized this need and has been making every attempt to remedy it. Yet of the 34,000 votes cast, the nominee receiving the most votes had but 9660, and the sixth candidate received only 4700. The primary and election both illustrate the advantage which the non-partisan system of nomination and election gives to the office-holder. All of the councilmen running for reëlection were nominated and two of the three were elected. Last year all three of the incumbents were reëlected.

Of the eleven amendments six were approved and five rejected. Those approved included amendments providing for a filing fee for candidates of one per cent of the salary attached to the office sought, abolishing the "rotating" primary ballot, and doing away with the requirement of a nominating petition signed by twenty-five voters. An amendment compelling municipal candidates to file sworn statements of campaign expenses also met with approval. Among the amendments rejected were the so-called "single tax"—a proposal to exempt gradually from municipal taxation all improvements on land and personal property, except leasehold interests in land and public-service franchises; an amendment creating a board of public welfare to have charge of workhouses, jails, reformatories, municipal lodging houses, and the work of city prisoners; an amendment giving the city council authority to grant street railway franchises omitting the provision for purchase or condemnation by the city without payment for the franchise; and an amendment permitting the investment of the surplus city funds in United States, state, county or municipal bonds, and in "valid city utility bonds" which might be secured only by the assets of the utility.

The propositions accepted included "Proposition A"—a scheme for the settlement of the difficulties in which the Seattle, Renton and Southern Railway has become involved, and is similar to the Chicago traction settlement of 1907. Among the propositions which failed to be carried was one for the creation of a municipal bank and trust department. The vote cast at the election was small—about 40,000 out of a registration of 58,000 this year and 85,000 in 1912. The women constituted 34 per cent of the registered vote and 30 per cent of the vote cast. This is practically the proportion maintained since the acquirement of the suffrage.[1]

[1] The information in regard to Seattle was supplied by Mr. F. W. Catlett.

A second endeavor to make radical amendments to the charter of Los Angeles proved unsuccessful at a special election held in March. It will be remembered that a new charter for the city was drafted with great care last summer but was rejected at the polls when submitted to the voters. Thereupon a so-termed Citizens' Committee of One Thousand undertook the preparation of various amendments to the old charters. These were placed before the voters at a special election in March and the most important among them were decisively rejected. One of these amendments provided for a return to the old system of electing councilmen from wards. The voters pronounced strongly against such change. The project to establish an elective harbor commission was also rejected. An interesting feature of the special election was the adoption of a charter amendment which ousts the entire city government from office in July next, a sort of recall *en bloc*, it might be termed. Los Angeles is the original habitat of the recall and apparently has not grown chary in the use of this expedient. The city has on its lists about 161,000 registered voters; but only about 31,000 went to the polls at this special election. Important matters affecting the organization and the personnel of Los Angeles government were therefore left for decision to less than 20 per cent of the voters, and in several cases the issue, *pro* and *contra*, was determined by less than 20,000 voters or barely one-eighth of the whole.

Forty-three bills are to be brought before the Pennsylvania legislature in order to change the charter of Pittsburgh. Some of the bills and charter changes planned provide for the municipal ownership of street railways and water companies, the assessment of the real estate of public service corporations for local taxation, as well as the repeal of the law exempting churches, charitable institutions, etc., from local taxation, uniform accounting for all public jurisdictions, etc.

A constitutional amendment authorizing the city of St. Louis to become indebted to the extent of thirty million dollars for the construction of a municipal subway was passed by the legislature on March 20. The amendment will go to the people for ratification at the fall election of 1914. If it is ratified St. Louis can issue the subway bonds. Under the proposed amendment Kansas City also is authorized to vote subway bonds.

It is now estimated that five millions of persons are living in cities governed under the commission plan, and the number of those cities is by some placed as high as 270, while others reckon it to be nearer 250.

During the past month or two there have been few additions of large cities to the ranks of the commission-governed cities, the most notable being Denver and Duluth. A number of small municipalities have accepted that form, while four Illinois cities, Champaign and Joliet among them, have rejected it. Charlotte, N. C., and Nashville, Tenn., are two cities which may adopt the plan. Many Nebraska towns want commission government: of these twenty to which the law providing for that form of government does not apply, have joined in a movement to amend the statute. In Indiana the state senate has passed a bill whereby cities of from 19,000 to 35,000 population may adopt commission government. If 25 per cent of the voters petition, the mayor must call an election and should a majority favor adopting commission government, then a mayor and four commissioners are chosen to serve four years each. The plan may be dropped at the end of two years if it has not proved satisfactory.

According to the figures recently tabulated by the census bureau in regard to cost of police protection in the most important cities of the United States, the lowest per capita cost is paid by the city of New Orleans, $1.19, the highest by San Francisco, $3.48. The average number of patrolmen per 10,000 inhabitants varies from 7.3 in Minneapolis, to 21.9 for Washington, D. C. The number of patrolmen per 1000 acres to be patrolled differs in the cities, varying from 2.2 in New Orleans, to 52.5 in Boston. Indianapolis runs its police department on less money than any of the other cities considered. The tabulation does not cover the figures for New York, Chicago, and Philadelphia, but is for the nineteen next largest cities in the United States.

As part of its work in political science, the University of Cincinnati is directing the establishment of a municipal reference library at the Cincinnati city hall. The library is to collect and compile information on all municipal questions which are being studied by any members of the city government. This work will be done by the students of political science in the University and will be under the direction of Prof. S. Gale Lowrie. At the same time there is being organized a similar bureau, for the supply of information on state legislation, at Columbus, and Professor Lowrie is to direct the organization of this bureau also.

In October last there was instituted in Baltimore a bureau of statistics and research in connection with its department of education. The

object of this bureau, which is said to be unique in this country, is to measure the products of the entire school system in order to be sure that the results produced are adapted to the abilities and needs of the pupils, and that these results shall be commensurate to the time and money expended. Already studies as to the teaching of arithmetic and of English have been made.

The importance of a proper port development seems to be making itself felt all over the world, for the general activity in this direction is noticeably cosmopolitan. In the United States various cities on the Pacific Coast are making extensive improvements: Seattle has plans involving the expenditure of twenty millions of dollars in the next five years; Los Angeles will spend ten millions; San Francisco is operating a port development plan under a bond issue of nine millions. In the South, New Orleans is building a nine-million-dollar cotton warehouse; Mobile is improving its harbor facilities; preparations are being made in the ports on the Gulf of Mexico for an increased business due, of course, to the opening of the Panama Canal; and Congress has appropriated two million dollars for the expansion of harbor limits at Port Arthur, Texas. The Canadian cities of Montreal, Toronto, and Halifax are spending large amounts in the extension of their facilities, and in the Northwest Vancouver and Victoria will also make improvements. Yokohama, in Japan, may also be cited in this list.

In Europe, Havre, Boulogne, Calais, Hamburg and London have extensive improvements in process of construction. The South American cities, especially those in Chile, Peru, Brazil, and the Argentine, are active, and large sums of money will be spent in port development. In all more than a billion dollars, it is estimated, will be expended within the next five years in order to keep abreast of the times in the matter of waterfront facilities. The Panama Canal is, naturally, the largest factor in bringing about this activity, but the ever-increasing size of steamships and the consequent necessity for larger docks and deeper harbors, together with the resulting competition in supplying these better facilities, may be given their full share in creating the need for port development.

The Citizens' Federation of Hudson County, N. J., with headquarters at Jersey City, has published an elaborate report *In the Matter of the Summary Investigation into the Affairs of Hudson County.* This embodies reports made before Hon. F. J. Swayze, justice of the New

Jersey supreme court on the county treasury, on the general affairs of Hudson County, on the Hoboken Viaduct, and on the boulevard commission. The report contains 226 pages. Another interesting report issued by the Federation is entitled *Comparisons of Appropriations and Salaries*, and compares those of Hudson County with Essex County, the nearest in size, population, and location, with results greatly to the advantage of Essex County. In the pamphlet are seventeen pages of graphic illustrations, the last six being a memorandum prepared on the different county offices, giving statistics.

Number 1 of volume I of *The Baltimore Municipal Journal* was issued on January 17, 1913. This is "a semi-monthly publication of facts issued by the city government," and will endeavor to keep the public informed of the business operations of the different departments, giving attention to their plans and policies as well as what is actually done. Sacramento, Cal., is also to publish a municipal news organ, in the form of a weekly *Municipal Gazette*, as required by its charter. The *Gazette* will contain accounts of the doings of the city commission and the advertising which is now printed in a daily newspaper. The publication of a municipal newspaper has been announced for Atlantic City, N. J., and will contain full details of the work of each city department in addition to monthly financial statements.

The Chicago bureau of public efficiency issued in November, 1912, reports as follows: *The Office of the Clerk of the Circuit Court and the Office of the Clerk of the Superior Court of Cook County, Illinois* (a supplemental inquiry into their organization and methods of administration); *The Administration of the Office of Clerk of the County Court of Cook County, Illinois*; *The Office of Sheriff of Cook County, Illinois* (a supplemental inquiry into its organization and methods of administration). Each of these reports were prepared for the judges of the circuit court. Another pamphlet was issued in December, 1912, on *The Growing Cost of Elections in Chicago and Cook County*. In this report it is brought out that the actual expenses of elections in Chicago have more than trebled in the last sixteen years. In 1912 they reached almost the sum of one million dollars. Since this is due to the large number of primaries and elections, the aim of the present pamphlet is to urge the curtailing or even abolishing of municipal and judicial primaries. The bureau published in January, 1913, a pamphlet entitled *The Voting Machine Contract*, which constituted a protest to

the mayor and aldermen of Chicago against the recognition by the city council of the contract in any form.

The report which John Purroy Mitchel, president of the New York board of aldermen, and Henry Bruère, director of the bureau of municipal research, have recently submitted to President Wilson, for the reorganization of the city government of Washington, D. C., is a very illuminating document. The purpose of the proposed reform is to make Washington a model for the other cities of the country, by combining in one city administration the best features that other cities have worked out. The government of Washington is peculiarly fitted to carry out such a scheme, because the city is controlled by an appointed commission. Efficiency and democracy are often regarded as mutually exclusive; but if it can be shown in the undemocratic city of Washington that efficiency in city government pays, it will be easier to introduce similar methods in the more democratically governed cities. This experiment in Washington, therefore, is worth careful scrutiny.

"Street Cleaning" and "Disposal of Sewage in Europe" are subjects which form parts of two *Daily Consular and Trade Reports* recently issued. In the *Report* for March 12, 1913, short résumés of street cleaning methods and results are printed for about ten large cities in England, Scotland, France, Germany and Switzerland. Sewage disposal in certain cities of the United Kingdom, Austria, Germany, and France is taken up briefly in the *Report* for March 15, 1913.

Among the pamphlets issued by the National Fire Protection Association are the following: *Comparative Statistics of Fire Loss, American and Foreign, for the Year 1911*; *The Story of the National Fire Protection Association*; *A Syllabus for Public Instruction in Fire Prevention*; *Suggestions for the Organization and Execution of Exit Drills in Factories, Schools, Department Stores and Theatres.*

Part I of the *Twelfth Yearbook (1913) of the National Society for the Study of Education* is entitled *The Supervision of City Schools*, and contains a paper on "Some General Principles of Management Applied to the Problems of City School Systems," by Dr. Franklin Babbitt of the University of Chicago, and a "Bibliography on City School Supervision," furnished by Mr. J. D. Wolcott of the United States bureau of education.

Mrs. Elmer A. Black, a member of the advisory board of the New York terminal market commission, has published a pamphlet on *A Terminal Market System, New York's Most Urgent Need: Some Observations, Comments and Comparisons of European Markets.* The pamphlet contains 32 pages and has many illustrations of markets in foreign cities.

A third edition of the *Bibliography of Civil Service Reform and Related Subjects* was issued in December, 1912, by the Woman's Auxiliary to the Civil Service Reform Association of New York. The pamphlet contains 72 + xvi pages.

The Short Ballot Organization has published a pamphlet on *The Sumter "City Manager" Plan of Municipal Government.*

The *Bulletin of the New York Public Library* for April, 1913 (no. 4 of vol. xvii), completes the list of city charters and ordinances, in the library. The list has been published in five parts and a supplement.

A special report has been prepared for the board of street commissioners of the city of Boston on the subject of "Local Improvements and Special Assessments in Chicago."

At the request of the director of public works in Philadelphia, a careful investigation and report has been made by Mr. Clyde L. King on the conditions governing prices of farmers' produce in Philadelphia. The report covers 56 pages and gives consideration to such topics as producers' vs. consumers' prices, trolley freight service, statutes, ordinances and licenses, distribution within the city, and the general question of markets. Various recommendations are made in the report chiefly in the line of transporting produce more cheaply to the consumer.

A compilation of interest has been printed by the auditor of the city of Los Angeles. This is a *Comparison of Data of Twenty-five Largest Cities of the United States (except New York, Chicago and Philadelphia) from Auditors' Latest Reports,* and gives statistics of population and area; total and per capita assessed valuation, corporate property, debt, receipts and disbursements; percentage of revenue and

non-revenue producing debt; tax rates, as levied, percentage of value and on the base of 100 per cent; and the numerical positions which each city occupies in regard to the foregoing items.

A *Guide to the Study of Municipal Government* is announced for publication by the Harvard University Press next autumn. It will include a classified bibliography of printed materials relating to every branch of American municipal government, forming a volume of about 250 pages. The *Guide* will be edited by Prof. W. B. Munro.

Among the more important of recent European publications in the field of municipal government and closely-allied fields are: Sidney and Beatrice Webb, *English Local Government from the Revolution to the Municipal Corporations Act* (London: Longmans, Green, 1913); P. A. Harris, *London and its Government* (London: London County Council, 1913. 2s. 6d.); Robert Henry, *Taxation. Who Pays? An Enquiry into the Real Incidence of Taxation* (London: P. S. King, 1912. 2s. 6d.); Edward Cadbury, *Experiments in Industrial Organization* (London: P. S. King, 1912. 5s.); Phyllis D. Winder, *The Public Feeding of Elementary School Children. A Review of the General Situation and Enquiry into Birmingham Experience* (Birmingham Studies, no. 2) (London: Longmans, Green, 1913. 2s.); P. Waterhouse and R. Unwin, *Old Towns and New Needs* (Manchester: Manchester University Press, 1912. 1s.); E. G. Culpin, *The Garden City Movement up to Date*, 1899–1912 (London: P. S. King. 1s. 6d.); *Poor Law Reform. A Practical Problem. The Scheme of the Unionist Reform Committee Explained*, by J. W. Hills and Maurice Woods (London: P. S. King, 1912. 1s.); London County Council, *The Housing of the Working Classes in London*, 1855–1912 (London: P. S. King. 1s.); H. Lemmoin-Cannon, *Sewage Disposal. A Text-book on Sewage Disposal in the United Kingdom* (London: St. Bride's Press. 7s. 6d.); C. J. Opie, *Land and Housing Reform* (London: W. H. Smith, 1912. 4d.); London County Council, *The Comparative Cost of Municipal Services in London and Other Large Towns* (London: P. S. King, 1913. 6d.); Otto Haase, *Das Problem der Wohnungsgesetzgebung. Eine Untersuchung der Institutionen des Wohnungswesen* (Berlin: F. Vahlen, 1913. 3M.); *Stockholm. Quelques Données Statistiques.* Published by Le Service Municipal de Statistique de Stockholm (Stockholm: Norstedt und Söner. Ed. 1912); *The Russian Year Book for 1913.* Compiled and edited by H. P. Kennard (London: P. S. King. 10s. 6d.).

Some recent American publications in the field of municipal administration are: R. H. Whitten, *The Valuation of Public Service Corporations: Legal and Economic Phases of Valuation for Rate-Making and Public Purchase* (New York: Banks Law Publishing Company, 1912. Pp. 798); S. S. Wyer, *Regulation, Valuation and Depreciation of Public Utilities* (Columbus: Sears and Simpson Company, 1913); *Handbook of Municipal Accounting* (Metz Handbooks of City Business Methods) (New York: D. Appleton, 1913. $2); R. K. Duncan, *Some Chemical Problems of Today* (New York: Harper, $2); R. G. Nicholson Combe, *The Law of Light* (Philadelphia: Cromary Law Book Company. $7.50); C. C. Williams, *The Municipal Water Supplies of Colorado* (Boulder: University of Colorado, 1912); *Housing Problems in America. Proceedings of the Second National Conference on Housing* (Cambridge: University Press, 1913); J. W. Kerr and A. A. Moll, *Organization, Powers and Duties of Health Authorities* (Public Health Bulletin no. 54) (Washington: 1912. Pp. 452); A. H. Blanchard and H. B. Drowne, *A Text-book on Highway Engineering* (New York: J. Wiley; 1913); Brand Whitlock, *On the Enforcement of Law in Cities* (New York: Bobbs, Merrill, 1913. 75c.); E. M. Bacon and Morrill Wyman, *Direct Elections and Law-Making by Popular Vote; the Initiative, the Referendum, the Recall, Commission Government for Cities, Preferential Voting* (Boston: Houghton, Mifflin. Pp. 167. $1); Solomon Vineberg, *Provincial and Local Taxation in Canada* (New York: Columbia University Press, 1912. Pp. 171. $1.50); Z. S. Eldredge, *The Beginnings of San Francisco from the Expedition of Anza, 1774, to the City Charter of April 15, 1850* (San Francisco 1912. 2 vols., pp. 837); W. B. Guitteau, *Preparing for Citizenship. An Elementary Text-book in Civics* (Boston: Houghton, Mifflin, 1913); Irving King, *The Social Meaning of Education* (New York: D. Appleton, 1913. $1.50); F. B. Dressler, *School Hygiene* (New York: Macmillan, 1913); F. W. Burks, *Health and the School* (New York: D. Appleton, 1913. $1.50); L. S. Bryant, *School Feeding* (New York: Lippincott, 1913. $1.50); E. C. Moore, *How New York City Administers its Schools: a Constructive Study* (Yonkers: World Book Company, 1913); S. C. Parker, *A Text-book in the History of Modern Elementary Education, with emphasis on School Practice in Relation to Social Conditions* (Boston: Ginn, 1912. Pp. 505. $1.50); H. S. James, *Principles of Prussian Administration* (New York: Macmillan, 1913. $1.50); Frederic C. Howe, *European Cities at Work* (New York: Scribners, 1913. $1.75); P. Roberts, *The New Immigration* (New York: Mac-

millan. Pp. 386. $1.50); J. T. Holdsworth, *The Economic Survey of Pittsburgh* (1912); Sir Oliver J. Lodge, *Modern Problems* (New York: G. H. Doran. Pp. 345. $2) F. A. Cleveland, *Organized Democracy* (American Citizen Series) (New York: Longmans, Green); F. G. Wickware, ed., *The American Year Book for 1912* (New York: D. Appleton. $3.50); F. L. McVey, *The Making of a Town* (New York: McClurg, 1913. $1); J. B. Crozier, *Sociology Applied to Practical Politics* (New York: Longmans, Green. $3).

Figures recently published in Boston, dealing with the relation between congestion and mortality, are of considerable significance because they are based on a study of individual wards, instead of taking the whole city as a unit. The principal result of the statistics is to show that while the most sparsely settled districts have the lowest death-rates, it is in the moderately congested areas that the highest mortalities are reached. As illustration of this point, it may be noted that ward 8, with 190 persons per acre, has a death-rate for 1912 of 12.07, while ward 4, with only 44 persons per acre, has a general mortality rate of 18.02. The infant mortality figures show the same result, ward 8 having a rate of 70, while ward 4 has a rate of 148. The publication of such statistics shows, first, the value of smaller units in municipal statistics, and, secondly, the extreme danger of generalizing as to the relation between congestion and public health.

The report for municipal tramways in Belfast, Ireland, for the year ending March 31, 1912, shows very favorable results. The working expenses composed 53 per cent of the gross revenue and the net profits for the year were $179,433, or an increase of $32,537 over that of the previous year. No tramway in the United Kingdom operating in a center with 100,000 people, is worked at a lower rate than that in Belfast.

Municipal ownership operation in Bradford, England, has also proved most successful, according to a recent official report. In 1898 the city began operating its municipal street railway, with a capital of $778,640. At the present time the capital is $4,039,195, while the number of units has increased from 1,500,000 to 22,000,000. In the matter of gas works, for the same period, the income has had an increase of over $486,650. It should also be noted in connection with this figure that the price of gas, which in 1900 was 60.7 cents per

1000 feet, is now 50.7. The average price charged for electricity in 1898 was seven cents per unit, while last year it was less than three cents. Besides securing more efficient service in street railway transportation, the fares have been reduced practically one-half. Municipal ownership in Bradford has been successful also in its sewage profit, it being the only city in England to derive a profit from this kind of undertaking.

Some rather interesting experiments designed to cheapen the public food supply have been planned or actually put into operation in three cities which are widely separated. About a year ago the municipal administration of Berlin began the sale of fish at the public market halls. The experiment proved an undoubted success and municipal fish-stands have been installed in seven different markets in Berlin proper, while some of the other municipalities of Greater Berlin have followed its example. The fish is sold twice a week at official prices advertised on the municipal advertising columns the day before the sale, and the saving to consumers is about 1.1 cents for each pound of fish bought. Plans have been presented to the Chambers to establish in Montevideo a public stockyard and slaughter-house, and in the smaller cities of Uruguay eighteen other public slaughter-houses. Their cost, some $1,912,000, is to be defrayed from the proceeds of fees for cattle brands and marks. This proposal comes as the result of a special investigation of slaughter-houses in Europe and the United States, made by Dr. Banzá, chief of the bureau of animal sanitation. The third city is Budapest, Hungary, which has invested the sum of $100,000 in municipal shops selling meats, poultry and dairy products at a small profit on the capital. This city also conducts a slaughtering establishment and a municipal bakery which produces more than 13 per cent of the city's total daily bread consumption. A company has been formed in Budapest for the importation of fresh meat from Roumania and Servia.

Of a totally different character is the municipal quarry operated by the city of Janesville, Wis., where a saving to the city of 26 cents per cubic yard of crushed stone is being made. This represents an increase of 3.5 cents over the saving of last year, and has been accomplished in spite of many extensive replacements and repairs which had to be made to the plant during the year. Owing to a charter provision the stone can be sold by the city to those contractors only who are in its employ; consequently the quarry cannot be run to its full capacity nor with the highest degree of efficiency.

In this same connection mention might be made of a few of the many other public-welfare ventures undertaken by municipalities. Northampton, Mass., which was given a municipal theatre building some time ago, has now its own stock company of players and, instead of the occasional attractions which were formerly offered its citizens, provides regular evening and bi-weekly matinée performances at moderate prices. The theatre is paying its own expenses and is largely attended. The city of Pawtucket, R. I., has opened a municipal theatre for the exhibition of patriotic motion pictures. It is planned to have a performance in this Civic Theatre, as it has been named, every Sunday evening to which all foreigners will be admitted without charge. At the opening on March 30, some 1600 persons of foreign birth were addressed by the mayor and representative citizens and were shown reels calculated to be instructive as well as inspiring to the new citizen. Work will be begun shortly on the new Los Angeles opera house for which $750,000 has been subscribed. There will be three thousand seats on sale for each performance. Rochester, N. Y., plans to have a free skating rink on the Erie Canal during the coming winter. Both St. Louis and Denver have municipal lodging houses, that of St. Louis accommodating three hundred persons. In Denver the cost of lodging and food is paid for by a certain number of hours' work for the city. The city controller of Baltimore, should the council consent, expects to inaugurate a system of municipal fire insurance. A similar system has been in force in the city of Halle-a-d-Saale, Germany, since 1907.

At present that city carries almost all of its own insurance on municipal buildings, but it should be noted that it has a population of less than 200,000. Portland, Me., has a municipal fuel yard which supplies fuel at cost, and Toledo, Ohio, has a large municipal factory plant. In Hartford, Conn., the superintendent of parks believes that the city's park system could be made self-maintaining through the establishment of refectories and lunch counters, rinks for skating and other forms of recreation, and buildings for dances, moving pictures, lectures, etc.; all this with slight charges to those using them. A complete enumeration of the various other schemes of municipal operation would be difficult as well as fruitless; but enough have been mentioned to show the general tendency of cities in all countries toward a larger field of activity.

Portland, Me., is the third city in the country to have a municipal organ and organist. Pittsburgh and Rochester are the other two.

The organ in Portland has been given by Mr. Cyrus K. Curtis of Philadelphia, and has been installed in the city hall. The municipal organist is to receive a salary of $5000.

The city of Boston now has eight municipal gymnasiums, with two more in process of construction, and several others being planned for those parts of the city which have none at present. The plan is to provide a city gymnasium for each section of the city. These gymnasiums are free to all residents of Boston, and over two hundred thousand people last year made use of them. Daily classes are conducted for men and certain sessions are given over to women's classes. There are also weekly civil-service classes for those aspiring to enter the police or fire service, and classes for girls and for school-boys. Each spring annual exhibitions are held in all the gymnasiums. In connection with each municipal gymnasium baths are open and in several cases swimming pools are provided. The superintendence of Boston's city gymnasiums is in the hands of the new park and recreation department which is composed of the former departments of baths, music, parks and public grounds.

The Cincinnati prize of twenty dollars is to be annually offered by the National Municipal League for the best original essay bearing on the municipal government or the civic life of Cincinnati. Any student in any department of the University of Cincinnati may compete for the prize. In 1913 the subject for competition is "The Best Charter for Cincinnati," and in outline essays should contain (1) a brief discussion of the forms of municipal government known as the British system, the German system, the federal plan, the commission plan, and the city manager plan; (2) an exposition of the defects of Cincinnati's present form of government; and (3) an outline of the best charter for Cincinnati. The competition closes May 3. As in the case of the Baldwin Prize, which also is offered by the National Municipal League, essays must not exceed ten thousand words in length.

The First Town Planning and Municipal Organization Congress is to be held at the Ghent Exhibition at the end of July or beginning of August. It is aimed to bring together for the benefit of other communities the solutions which have been found useful in any place. This is thought desirable because of the new problems being brought to light by the enormous growth of cities during the last century, and

the congress intends to offer a common center of discussion for the plans and schemes and experiments of all students of municipal betterment. It is planned to divide the congress into two sections: one dealing with the subject of town plannings, and the second with municipal organization in general. In the matter of town planning it is intended to continue the work of the London Town Planning Congress and the Berlin Exhibition of 1910, the Düsseldorf Exhibition of 1912, etc., and the tentative subjects for debate are those covered by the two headings of "town extension" and "preservation and administration of old districts." There will also be papers and discussions on other topics. As to the second section of the congress, municipal organization, the following subdivisions of the subject will be taken up: (1) the legal, and (2) the financial constitution of the authority; (3) its economic scope; (4) its intellectual and moral well-being; (5) its social activities. It is thought probable that the congress will establish a permanent international office for municipal information with a view to perpetuating the existing internal organization and forming a center of reference for all cities. There will also be a special exhibition, in connection with the congress, of plans, models, photographs, etc., to show the progress of town planning and other activities all over the world.

The Fourth International Congress on School Hygiene will be held at Buffalo during the last week of August, 1913. The first three congresses met at Nuremberg, in 1904, at London in 1907, and at Paris in 1910. Its object is the preservation and improvement of the health of school children. One feature of the congress will be a scientific exhibit representing the most notable achievements in school hygiene. Twenty-five nations have a membership in the congress and it is expected that all will have delegates at Buffalo. President C. W. Eliot will preside, and invitations have been sent to various state and municipal authorities.

Announcement is made of the Tenth International Housing Congress, to be held at The Hague in September, 1913. This is the first meeting in Holland, previous congresses having been held in France, Belgium, Germany, England and Austria. At the last congress, in 1910, at Vienna, there were representatives from nearly every country in Europe and from the United States. The congress aims at being instrumental in spreading knowledge about the housing prob-

lem by discussing a number of points at its meetings and by taking note locally of what has been done towards housing the people of the country in which the meeting takes place. The discussions will be based on reports from the several countries prepared by experts. A visit is planned to places in the Netherlands which are interesting from the standpoint of housing. The international program is divided into five topics, (1) rural housing, (2) slum improvement or clearance, (3) overcrowding, (4) city planning, and (5) recent housing progress. Mr. Robert W. DeForest is president of the American section of the congress.

The annual congress of the Playground and Recreation Association of America was held at Richmond, Va., from April 28 to 30.

The Municipal League of Montana was formed in December with a well-defined and balanced outline of achievement for the ensuing year, with especial attention to be given to the subject of municipal finance. A meeting of the Arkansas Municipal League was held at Little Rock on January 16 to frame legislation permitting municipalities to issue bonds for improvements.

A Tennessee League of Municipalities has been formed with the aim of promoting the general welfare of all the municipalities of the State.

The first annual convention of the Ohio Municipal League was held at Columbus on January 22 and 23. The principal topic of discussion was the form of government to be adopted by towns and municipalities in Ohio under the new home-rule amendment. By this amendment a municipality may (1) continue under its present municipal code, (2) adopt any form of government enacted into law by the general assembly of the State and subject to adoption by a municipality, or (3) elect a charter commission to frame its own charter. Previous to the convention a pamphlet had been prepared and sent out by the Municipal Association of Cleveland suggesting three optional forms of government. These were discussed fully during the meetings of the League and a legislative committee, of which Prof. A. R. Hatton is chairman, was appointed to consider certain changes and to submit the charter when finally drafted to the general assembly. The subjects of taxation and civil service were also discussed.

The Paris municipal council has adopted the agreement between the national authorities and the municipality, providing for the disman tling of the old fortifications, the filling up of the moats, and the laying out of a circle of boulevards which will not only relieve traffic, but will also provide much-needed building land and park areas. It is probably just to award a large share of the credit for this important piece of town planning to the *Ligue pour les Espaces Libres*, which has maintained an active propaganda for some years. The details of the agreement are of interest, because of the far-seeing policy underlying them. The city is to pay $20,000,000 for the ground now occupied by the walls and moats. On this strip is to be constructed a series of avenues, 130 feet wide, and 20 miles in circumference. The remaining portion of the land may be sold by the city for building purposes. Furthermore, the so-called "military zone," extending from the moats to the borders of the suburban communes, is to be purchased by the city, either by agreement or by expropriation; and a series of small parks is to be laid out, at a short distance from each other, and connected by tree-lined boulevards so as to form a complete girdle around the city. The land in the "military zone" not used for parks may be sold for building purposes. The completion of this scheme will bring Paris into the large group of European cities that have applied sound town-planning principles to the problem of their city walls. The greater circumference of the Paris walls will make her scheme the most noteworthy of all.

In 1856 the city of Dresden, Germany, had bequeathed to it an advertising bureau and the right of publishing the *Dresdner Anzeiger*, the proceeds to serve as a special foundation for the common welfare under the condition that they be used for beautifying Dresden and for charitable purposes. Of these profits two-thirds go to the city and one-third to the heirs of the original proprietor. In 1895 the owner of the publishing house which had printed the *Anzeiger* since the year 1848, gave his well-equipped printing establishment to the city without retaining for himself or for his heirs any share of the profits, but directing that the profits be used in the same way as those first coming to the city. The combined proceeds each year from the newspaper and printing house, it is estimated, now amount to about $60,000.

As the result of the recent incorporation of the parish of Reick, Dresden has now become the largest in area among German cities.

It has at present an area of 17,297 acres to Berlin's 15,695, and Leipzig's 14,467 acres. In population Dresden occupies the fifth place among German cities, the order being Berlin, Hamburg, Munich, Leipzig, Dresden.

The committee on benevolent associations of the Cleveland Chamber of Commerce has proposed a plan of federation for all charity and philanthropy in Cleveland, by which there will be formed a central organization composed of representatives from all the different contributors and institutions of the city. The central organization will collect the necessary money and divide the amount raised in accordance with the wishes of the donors and the needs of the various organizations. This recommendation is made as the result of two thorough canvasses (in 1907 and 1909) which were undertaken in order to solve the difficulties of the present situation. The remedy proposed will, it is thought, tend to increase the personal interest in the work, encourage development of new work, increase contributions, distribute the burdens involved, eliminate useless solicitation, and heighten the efficiency and effectiveness of the charities of the city. In support of its recommendation the Chamber of Commerce issued in January a pamphlet of 32 pages.

In the city of Buffalo, under the auspices of the committee on charities and surveys of the Chamber of Commerce, there was established in December, 1911, a bureau of charities, with the purpose of preventing too great duplication of effort among the charitable institutions of the city, and of seeing so far as possible that these are conducted on business principles. During the first year of its operation the bureau has thoroughly investigated the "charities" of Buffalo, with the result that 37 societies have received its endorsement and, for the most part, have adopted the changes suggested by the committee as essential to a proper business management. Four so-called charities have been closed up entirely, and many minor changes in others have taken place. Chief among the reforms instituted by the bureau is its endeavor to prevent fraudulent solicitation for charity. To this end a thousand wall cards have been displayed in offices all over the city for the purpose of discouraging these solicitors and, in addition, it has been made possible and easy to obtain full information with regard to any charity and those seeking aid for it. In its determined effort to rid the city of these canvassers for fraudulent schemes, the

committee has met with such striking success that other cities have sought aid from Buffalo and steps have now been taken by twenty-eight cities toward the organization and establishment of a national bureau to get rid of this sort of nuisance and to prevent fraud in connection with charitable institutions.

The Buffalo Chamber of Commerce has also established for the benefit of the city a vocational guidance bureau with Mr. E. W. Weaver of New York City at its head. The bureau will not only serve as a medium for the needs of employers and the fitness of those seeking employment and as a bureau of reference and information between them, but it will also seek to promote the higher education of young people by bringing out unsuspected capabilities in them and make the vocation school system more valuable to Buffalo taxpayers by creating opportunities for the use of the products from those schools.

A bill has been drafted by the civic improvement committee of the Buffalo Chamber of Commerce to provide a planning commission for that city. It is proposed to bring the bill before the state legislature for adoption at an early date.

What is probably the best promotion system in any municipal department in this country is to be found in the department of health in New York City. In that department Dr. Lederle, the commissioner of health, has established a system which goes further than is required under the New York civil service rules. These rules require that promotion from one salary grade to the next higher be made from the first three names on the promotion eligible list as made up by competitive promotion examinations. Dr. Lederle has extended this requirement. In cases of advancing from one salary grade to the next higher, he appoints absolutely the person highest on the list. Where there is to be a raise in salary within a civil service salary grade, this is given to the person at the head of the promotion eligible list for the next higher grade. When there is no such list, he advances the employee having the best civil service efficiency and seniority record. In addition to this improvement on the regular civil-service rules, a further step is taken by keeping but one promotion eligible list for the whole department, instead of the separate lists permitted by civil-service requirements for each bureau and division of the department.

These new regulations ensure a fairly rapid advancement in the department of health, owing to the many vacancies occurring in the department, as well as promoting its general efficiency by removing appointments from any possibility of political influence.

The social center idea is being carried to a satisfactory extent in Denver, where it is planned to establish a center for each ward, and to provide some sort of building in each for a meeting place. These buildings will be equipped for social gatherings, dances, public lectures, and all kinds of amateur entertainments; a branch library is to be installed; a gymnasium to be fitted up; and the buildings are to be open for religious services on Sundays. Already a social center has been established in one ward and others will be made ready as soon as the city can secure the necessary buildings. In the center now in operation a lecture course has been planned, with two lectures a month to be given by authorities on municipal government, in order to make the people familiar with what is being done by the city authorities.

Commissioner Edwards of the street cleaning department in New York City has appointed between fifty and sixty members of the Woman's Municipal League to serve as street inspectors. No salaries are to be paid, and the work is to consist of supervision and subsequent inspection of the work done on the streets by the employees of the department.

A legal aid bureau has been established in Cambridge by students of the Harvard Law School and is to provide, free of charge, any legal advice which may be asked for.

Among the articles appearing in the issues of *The American City* for February and March, the following are of especial interest: "Public Markets and Marketing Methods," by J. F. Carter, secretary of the San Antonio Chamber of Commerce; "Efficiency in City Planning," giving the results of some preliminary work done in Jersey City and Newark; "Does Public Recreation Pay?" by Dr. Henry S. Curtis; "Engineering in City Planning" and "Street Fixtures and Furnishings," by Frank Koester, consulting civil engineer; "Equitable Water Rates the Result of Metering," by Morris Knowles, C. E; "The Children's Free Library and City Education," by Frances J. Olcott; "Dust

Prevention by the Use of Palliatives," by Prof. A. H. Blanchard of Columbia University; and "Increasing the Efficiency of Small Water Works and Sewage Treatment Plants," by Paul Hansen, engineer of the Illinois state water survey.

NEWS AND NOTES

Personal and Bibliographical

EDITED BY JESSE S. REEVES

The seventh annual meeting of the American Society of International Law, held April 24-26 at Washington, D. C., gave particular consideration to questions relating to the Panama Canal, especially in connection with the recent Panama Canal tolls act and the Hay-Pauncefote treaty.

Prof. Frank J. Goodnow, Eaton professor of administrative law at Columbia University and the first president of the American Political Science Association, left New York April 5 for a three years' stay in China, during which he is to act as legal adviser to the government of the Chinese Republic, particularly to the committee having in charge the draft of a constitution.

William D. Guthrie, Esq., of the New York bar, has been appointed to the Ruggles professorship of constitutional law, from which Prof. John W. Burgess recently retired. Professor Guthrie has published many articles and essays upon constitutional law and is the author of a careful study of the fourteenth amendment.

The deaths are announced at Paris of Professors Levavasseur de Précourt and Fernand de Colojon, of the École Libre des Sciences Politiques.

Prof. L. S. Rowe, of the University of Pennsylvania, has an extended leave of absence to permit him to enter upon his duties as a member of the joint land commission for the Panama Canal Zone. Dr. Roland P. Falkner, late of the bureau of the census, has also been appointed upon this commission.

Prof. Albert Bushnell Hart is upon leave of absence during the present semester, a part of which he will give to a personal survey of the Balkan States and their present condition.

Prof. John Bassett Moore, professor of international law at Columbia University, has been appointed counsellor to the department of state.

Prof. S. Gale Lowrie, of the University of Cincinnati and director of the municipal reference bureau of Cincinnati, has a leave of absence during the present semester, for the purpose of reorganizing the Ohio state legislative bureau as recently authorized by the state legislature. During Professor Lowrie's absence his work in the University is in charge of Mr. Milton E. Loomis, formerly of the University of Wisconsin.

Senator John Sharp Williams of Mississippi delivered a series of lectures on the Blumenthal Foundation at Columbia University in December, on "The Permanent Influence of Jefferson on American Institutions."

Mr. Clinton Rogers Woodruff, secretary of the National Municipal League and editor of the *National Municipal Review*, is giving courses in municipal administration at Princeton during the present semester, in the place of Prof. Henry Jones Ford, who is absent upon leave.

Prof. Frank A. Updyke, of Dartmouth College, will conduct courses in political science at the University of Michigan during the summer session of 1913. While absent upon leave during the year 1913-14, his courses at Dartmouth will be given by Mr. Edwin D. Dickinson of Harvard University.

Prof. John H. Latané, of Washington and Lee University, will give courses in American diplomatic history at the University of Chicago during the coming summer.

The work in political science at Wesleyan University has been extended and enlarged by the appointment of Mr. John Peter Senning, B.A., University of Iowa, as an instructor.

Dr. B. B. Wallace, of the University of Wisconsin, has been appointed to an instructorship in political science at Northwestern University, Evanston, Illinois, in the place of Mr. Victor West, who has resigned to engage in the educational department of the National Progressive Party at Chicago.

Mr. Lester Burrell Shippee, who has been in the department of history and political science of Pacific University at Pacific Grove, Oregon, is now in charge of the work in social and political science in the department of economics and history at Washington State College, Pullman, Washington.

In *Bulletin Number 6 (January 13) of the Departments of History and Political and Economic Science, in Queen's University* (pp. 13), Prof. William Bennett Munro contributes a paper, entitled "Should Canadian Cities Adopt Commission Government?"

Mr. C. R. Brown, of Princeton University, has in press a doctoral dissertation upon the subject, *The Northern Confederacy According to the Plan of the Essex Junto, 1790-1814.*

Prof. Walter Hastings Lyon, of the Amos Tuck School of Administration and Finance, of Dartmouth College, has published (Boston: Houghton, Mifflin and Company) a work, entitled *Capitalization, a Book on Corporation Finance.*

Prof. A. R. Hatton, of Western Reserve University, has in preparation a volume upon municipal home rule, which is expected to appear next autumn.

Prof. Raymond Garfield Gettell, of Trinity College, Hartford, Conn., will conduct courses in political science at the University of Illinois, during the summer session of 1913. Professor Gettell has in preparation a volume, entitled *Problems in Political Evolution*, which will appear during the course of the year.

Under the title, *Teorías Constitucionales* (Manila: 1912. Pp. 167), Prof. Teodoro M. Kalaw presents a serviceable outline of political theory and general constitutional law, used by him in his course in constitutional law in the Law School of Manila.

Arnold Raestad has recently published a work upon the subject of territorial seas, *Kongens Stroemme Historiske by folkeretslige undersoikelser angaaende sjoe territoriet* (Kristiania: 1912) in which is traced the development of Norwegian (and incidentally of the whole Scandinavian) attitude with respect to rights over territorial waters.

In his *Socialism As It Is* (New York: Macmillan Company, 1912. Pp. xii + 436), Mr. William English Walling makes a survey and analysis of the present condition of the Socialist movement, largely from the standpoint of Karl Marx. While he does not distinctly disapprove of modern social reform legislation, he regards most of it as the device of capitalism for the further exploitation of labor.

In his *Manual of the Constitution of the State of New Hampshire* (Concord: 1912), Prof. James Fairbanks Colby, of Dartmouth College, revises his earlier work having the same title, primarily for the use of the New Hampshire constitutional convention of 1912. It is a convenient and reliable guide to the study of constitutional development in that State.

The Development of Belligerent Occupation is a doctoral dissertation by Dr. Jacob Elon Conner, now United States consul at St. Petersburg, Russia, published as number one of volume iv, *Studies in Sociology, Economics, Politics, and History, of the University of Iowa.*

Senhor Helio Lobo, of the ministry of foreign relations of Brazil, has published, under the title, *De Monroe a Rio-Branco* (Rio de Janiero: Imprensa Nacional, 1912. Pp. 155), a historical sketch of the Monroe Doctrine.

Among the publications of the Norwegian Nobel Institute (vol. ii, part 1) appears an essay by M. Achille Loria, *Les Bases Économiques de la Justice Internationale* (Christiania: 1912. Pp. 96).

Publication no. 25 of the Central Office of International Associations at Brussels, entitled *L' Union des Associations Internationales* (Brussels: 1912. Pp. 162) contains a detailed exposition of this Bureau's international administration.

Dr. Ramon Ma. Alfonso, in his *La Réglamentacion de la Prostitution* (Havana: 1912. Pp. 174), not only gives a general survey of the subject, but makes definite suggestions with reference to conditions in Cuba.

In the *Papers and Proceedings of the Fifth Annual Meeting of the Minnesota Academy of Social Sciences* (1912. Pp. 181) are several

valuable papers, particularly on the development of municipal government in the Northwest.

An interesting survey of the junior republics movement is made by Messrs. William R. George and Lyman Beecher Stowe in the volume, entitled *Citizens Made and Remade* (Boston: Houghton Mifflin and Company, 1912).

The Anarchists, Their Faith and Their Record, Including Sidelights on the Royal and other Personages Who have been Assassinated, by Ernest Alfred Vizetelly (London and New York: John Lane, 1911), deals not so much with the philosophical theories of anarchy, as with its specific outbreaks. It would seem that a good deal of the information vouchsafed relative to assassination is quite unnecessary; and the text is about on a par with the crude pictures of anarchist assassins, like that of Czolgosz, which adorn it.

In his *Medical Benefit: A Study of the Experience of Germany and Denmark* (London: P. S. King and Son, 1912. Pp. xv + 296) Dr. I. G. Gibbon gives a survey of the systems of health insurance in the two countries named, especially valuable in the light of the recent legislation of Great Britain.

The thirteenth number of the *Kingdom Papers* (Pp. 112), published by Mr. John S. Emart, of Ottawa, deals in a scholarly way with the Behring Sea seizures. The material is used as illustrating the alleged indisposition of the United Kingdom adequately to defend Canada in her international difficulties.

The first number of the *Weltwirtschaftliches Archiv* (Jena: Gustav Fischer. Pp. 375), under the editorial charge of Prof. Bernhard Harms, of Kiel, appeared in January. Judging from this number, the scope of the publication is a broad one, covering international relations in the larger sense, including not only economics and commerce but politics and diplomacy. A commendable feature is the large space devoted to the literature of the subject.

In his *Social Religion: An Interpretation of Christianity in Terms of Modern Life* (New York: The Macmillan Company, 1913. Pp. xvi + 227), Dr. Scott Nearing, of the University of Pennsylvania,

elaborates an address delivered before the Friends' General Conference of New Jersey, 1910.

Les Questions Actuelles de la Politique Étrangère dans l'Amérique du Nord (Paris: Alcan. Pp. xviii + 242), is a collection of addresses delivered at conferences at the École Libre des Sciences Politiques, Paris, in 1911. These are upon British imperialism, the Panama Canal question, Mexico and its economic development, the crisis of political parties in the United States, and the Monroe Doctrine and Pan-americanism. All are graceful, but neither very profound nor accurate. Perhaps the most illuminating is the address upon American political parties by Professor Roz.

The Elements of Child-Protection, by Sigmund Engel, translated from the German by Dr. Eden Paul (New York: The Macmillan Company, 1912. Pp. xi + 276), is a consideration not only of certain general principles of eugenics but of modern legal regulations as to marriage, women and child labor, and juvenile delinquency.

In his volume, entitled *The Evolution of States, An Introduction to English Politics* (New York and London: G. P. Putnam's Sons, 1913. Pp. ix + 487), Mr. J. M. Robertson has expanded his earlier *Introduction to English Politics*. The present work is an attempt at a sociological philosophy of history; and while the author attempts to call in question what he considers common fallacious formulas, he puts forward others which may not receive universal acceptance—as for instance, in suggesting that South America may become the scene of a civilization "morally and socially higher than that now evolving in North America," which is a "cold civilization . . . . in the nature of the case relatively ugly and impermanent."

An English translation of the autobiography of the German Social-Democratic leader appears in attractive form under the title, *My Life*, by August Bebel (Chicago: The University of Chicago Press. Pp. 343). This readable translation is not only a stirring account of Bebel's life but a valuable contribution to the history of the German Social-Democratic party.

Dr. Milledge L. Bonham, Jr., in *The British Consuls in the Confederacy* (*Columbia University Studies in History, Economics, and*

Public Law, vol. xliii, no. 3, 1911. Pp. 267) makes an important contribution to American diplomatic history in considering the activities of the various consuls and the steps leading to their expulsion by the Confederate authorities. Dr. Bonham has drawn upon manuscript sources, particularly in the Library of Congress, the United States treasury, and in the United States department of state.

The monograph by Dr. Leonard Stott Blakey, *The Sale of Liquor in the South* (*Columbia University Studies in History, Economics, and Public Law*, vol. li, 1912. Pp. 56) shows the progress of liquor legislation in the Southern States and includes tables and maps illustrating the distribution of no license areas in the South as compared with the density of negro population.

A recent study in the *Columbia University Studies in History, Economics, and Public Law* (vol. lii, no. 3, 1913. Pp. 147) is *The Finances of Vermont*, by Frederick A. Wood, Ph.D. This is a historical survey, beginning with the settlement of the New Hampshire Grants and coming down to recent years.

Mr. J. C. Oakenfull's *Brazil in 1911* (London: Butler and Tanner, 1912. Pp. xii + 395) is a third edition of this useful handbook of information.

An important phase of the child labor problem is considered by Dr. Edward N. Clopper in his *Child Labor in City Streets* (New York: The Macmillan Company, 1912. Pp. ix + 280), which argues for the prohibition of this form of child labor and shows the attempts already made for its control by legislation.

Prince Kropatkin's *Fields, Factories and Workshops* appears in a new and inexpensive edition, published by G. P. Putnam's Sons (1913. Pp. xii + 417).

Le Gouvernement Représentatif Féderal Dans la République Argentine, is the title of a careful and extended study by Prof. José W. Matienzo, of the Universities of Buenos Ayres and La Plata (Paris: Hachette, 1912. Pp. 380).

In his rather optimistic *Social Welfare in New Zealand* (New York: Sturgis and Walton Company, 1913. Pp. vi + 287), Mr. Hugh H. Lusk

considers the results of twenty years of New Zealand's social legislation and its significance for the United States and other countries.

Immigration and Labor, the Economic Aspects of European Immigration to the United States, by Isaac A. Hourwich, Ph.D. (New York: G. P. Putnam's Sons, 1912. Pp. xvii + 544), is a careful study of the problem based upon the reports of the federal immigration commission, supplemented by individual research. Dr. Hourwich disagrees with the recommendations of the immigration commission as to restriction of immigration, particularly as to the illiteracy test recommended by its majority.

Prof. J. G. de Roulhac Hamilton, of the University of North Carolina, has printed a plea for a constitutional convention in North Carolina (Durham, North Carolina: 1913. Pp. 42).

Dr. Oscar Lovell Triggs is the author of a volume, entitled *The Changing Order, a Study of Democracy* (Chicago: Charles H. Kerr and Company, 1913. Pp. 300).

A doctoral dissertation, entitled *Women and Economic Evolution, or The Effect of Industrial Changes upon the Status of Women*, by Theresa Schmid McMahon, Ph.D., appears as a bulletin of the University of Wisconsin (Madison, Wisconsin: 1912. Pp. 129.)

Friederich Ghentz, an Opponent of the French Revolution and Napoleon is the subject of a monograph by Dr. Paul Reiff, appearing in the *University of Illinois Studies in the Social Sciences*, vol. i, no. 4 (Urbana-Champaign, Illinois: published by the University, 1912. Pp. 159).

The elaborate investigation of public utilities made under the auspices of the National Civic Federation by Prof. John H. Gray, of the University of Minnesota, has appeared in pamphlet parts together with the draft of a model public utility law. The work is expected to appear in book form during the coming summer.

The second inaugural address of Governor Simeon E. Baldwin, of Connecticut, a former president of the American Political Science Association, urged the election of the President of the United States

by direct vote, the extension of municipal suffrage to women owning taxable property, and the passage of a resolution by the Connecticut legislature requesting the senators from Connecticut to give their support to the arbitration of the Panama Canal question with Great Britain.

The United States and Latin America is the title of a pamphlet by Mr. Juan Leets (New Orleans: 1912. Pp. 86), attacking the so-called dollar diplomacy and the policy of the United States towards the Latin-American Republics under Secretary Knox.

Prof. P. O. Ray, of Pennsylvania State College, has in press (Scribner's) *An Introduction to Practical Politics and Political Parties.*

The essay, entitled *The Political Activities of the Baptists and Fifth Monarchy Men in England During the Interregnum*, by Dr. Louise Fargo Brown, which received the Herbert B. Adams prize in European history awarded by the American Historical Association in 1911, has been printed in book form and may be procured from the secretary of the American Historical Association.

In 1911 Dr. Edwin M. Borchard, of the Library of Congress, prepared a *Guide to the Law and Legal Literature of Germany* (Washington: Government Printing Office, 1911), which is the most valuable and best introduction in English to the legal literature of Germany. The high standards of the first work are fully maintained in his recently printed *Bibliography of International and Continental Law* (Washington: Government Printing Office, 1913. Pp. 93), which is not a mere catalogue of titles but a systematic classification of the literature of international and continental law, with as much critical commentary as the limits of the work permit. Both monographs are exceedingly useful bibliographical aids.

Under the title, *International Law Situations, With Solutions and Notes*, there have for some years been published the discussions at the Naval War College conducted by Prof. G. G. Wilson, and dealing with questions of present interest, for the determination of which no generally accepted principles have been established by practice. The topics dealt with in 1912 include "Merchant Vessels and Insurgents," "Air Craft in War," "Cuba Neutral," "Strategic Areas," "Taking Coal

in Neutral Ports," and "Conversion of Merchant Ships into Ships of War."

The volume in Holt's Home University Library contributed by Prof. Charles M. Andrews, under the title *The Colonial Period* (New York: Henry Holt and Company, 1912. Pp. 256) deals with colonial history in general rather than with the experiences of individual colonies, and especially emphasizes the English policy and efforts to retain her American possessions in a state of dependence.

Much valuable information upon recent phases of the movement for the initiative, referendum and recall is to be found in the January, 1913, number of *Equity*, published by C. F. Taylor, M.D., 1520 Chestnut Street, Philadelphia.

The address upon the disbarment of attorneys in the State of New York, delivered by Charles N. Boston, Esq., of the New York bar, at the recent meeting of the New York State Bar Association (reprinted from the *36th Annual Report of the Association*. Pp. 113), is a thoughtful study of a subject having more than local interest.

The chapters of President Andrew D. White's *Autobiography* dealing with the first Hague conference, to which he was a delegate, have been reprinted in convenient form by the World Peace Foundation under the title, *The First Hague Conference* (Boston: World Peace Foundation, 1912. Pp. 123), which also publishes Prof. William I. Hull's *The New Peace Movement* (ibid., 1912. Pp. 216).

The two lectures delivered by the Hon. Joseph H. Choate in 1912 at Princeton, on the Stafford Little foundation, have been published by the Princeton University Press (Princeton: 1913. Pp. 109), under the title, *The Two Hague Conferences*. There is an introduction by Dr. James Brown Scott, which contains an appreciation of Mr. Choate's services as a delegate to these conferences.

Prof. Henry W. Farnam's presidential addresses to the American Economic Association (1911), and to the American Association for Labor Legislation (1908, 1909, 1910), are reprinted with other essays and addresses, in a volume, entitled *The Economic Utilization*

of History and Other Economic Studies (New Haven: Yale University Press, 1913. Pp. viii + 220).

The Chamber of Commerce of Sumter, South Carolina, has issued a pamphlet upon the city manager plan of municipal government.

A convenient and useful handbook of reference is Mr. Samuel S. Wyer's *Regulation, Valuation and Depreciation of Public Utilities* (Columbus, Ohio: Sears and Simpson Company, 1913. Pp. 313). A serviceable bibliography is appended.

Social Wrongs and State Responsibilities, by Mr. William Jandus (Cleveland: Horace Carr, 1913. Pp. 143), is issued as an economic argument in favor of the total destruction of capitalism.

A convenient compilation of information relating to state loans to farmers has been made by Mr. William M. Duffus, and constitutes part one of the report on agricultural settlement and farm ownership, made by the Wisconsin state board of public affairs (Madison, Wisconsin: Democrat Printing Company, 1912. Pp. 146).

In a volume entitled *British Social Politics* (Boston and New York: Ginn and Company, 1913. Pp. 580), Prof. Carlton Hayes has gathered together documents illustrating workmen's compensation, trade unionism, child welfare, old age pensions, the unemployed, sweated labor, the housing and land problem, the Lloyd George budget, curbing the house of lords, and national insurance. The material here brought together consists of statutes and speeches delivered in parliament. To each chapter is prefixed a concise explanatory note. The compilation will be of undoubted value to persons studying the striking efforts which are being made in England to solve great social problems by state action.

In his *Mishnah, a Digest of the Basic Principles of the Early Jewish Jurisprudence* (New York: G. P. Putnam's Sons, 1913. Pp. 205), Hyman E. Goldin, Esq., of the New York bar, gives a literal translation of those portions of the Talmudic Law (Baba Meziah, Order IV, Treatise II) bearing upon bargain and sale of personal property, usury, bailments, and other matters of contractual law. It is the intention of the author to follow this volume with others containing

translations of all the treatises of the Mishnah dealing with jurisprudence.

Helping School Children: Suggestions for efficient Coöperation with the Public Schools, by Miss Elsa Dennison, of the New York bureau of municipal research (New York: Harper and Brothers, 1912. Pp. xxi + 352), is a careful consideration, attractively presented, of the newer activities of educational administration which lie outside the ordinary curriculum but have an important bearing upon government.

M. R. Toinet's monograph, entitled *La Limitation Conventionnelle des Armaments* (Paris: A. Pedone, 1912. Pp. 244), deals historically with the attempts that have been made to secure perpetual peace and disarmament, with the difficulties arising out of the unequal resources of nations, with the attitudes of different nations with respect to this problem, and their suspicion of states taking the initiative for its solution.

M. Bernard Krunsky, in his *L'annexation de la Bosnie et de l'Herzégovine en 1908* (Paris: Arthur Rousseau, 1912. Pp. 185), discusses this event in the light of international law and of diplomatic history. He develops the view that Austria paid dearly for the annexation by reason of the rights which she surrendered and the indemnity which she gave to Turkey. For Turkey the annexation meant no real loss of territory and the pecuniary compensation which she received was, at the time, especially valuable.

American Syndicalism: *The I. W. W.*, by Mr. John Graham Brooks (New York: The Macmillan Company, 1913. Pp. 264), is a searching and yet not altogether unsympathetic examination of the American syndicalist movement as represented by the Industrial Workers of the World. Mr. Brooks finds that the Industrial Workers of the World have as yet shown little ability in approaching the larger problems of labor and that American syndicalism must pass out of activities principally destructive. He notes the same tendencies among the Industrial Workers of the World that French syndicalism has shown —namely, a tendency to divide into radical and conservative camps. His judgment as to the incompatibility of the aims of the Industrial Workers of the World, not only with existing trade unionism but also with those of the socialist party, are strikingly confirmed by the

recent recall of Mr. William D. Haywood, of the Industrial Workers of the World, from his position as a member of the Executive Committee of the National Socialist Party. "In most of its present activities in the United States the Industrial Workers of the World is pretty exhaustively described by the work 'shocker.' It startles the preoccupied by its new and unwonted approach. Like the stroke of a suffragette's hammer upon plate glass, it gets instant attention from every one within hearing." Yet Mr. Brooks is inclined to think that the Industrial Workers of the World have not been without service in making the preoccupied or inattentive wake up to the difficulties of the great mass of unskilled labor. Mr. Brooks' study is an important contribution to the history of the labor movement in America and is an excellent sequel to his earlier volume, *The Social Unrest*.

Legal Antiquities: *A Collection of Essays upon Ancient Laws and Customs*, by Edward J. White (St. Louis: F. H. Thomas Law Book Company, 1913. Pp. vi + 349). In this work the author has brought together a miscellaneous collection of interesting facts, concerning such diverse institutions as marriage laws, witchcraft, trial by ordeal, wager of law, privilege of sanctuary, ancient punishments, etc. He has read widely but not critically. Each subject is treated in chronological fashion, and although the treatment is popular the book is, in some places, difficult reading because of an involved and awkward literary style and an eccentric punctuation. The author's views are sound. He does not limit his illustrations to those taken from English law, but draws also from such sources as the laws of Hammurabi and from those of Greece and Rome. He holds that "the prevalent idea that an increased volume of statute law will furnish a panacea for all existing evils is radically wrong," and he endeavors to show that the inveterate defects in the law of former days have been properly amended by a slow process of improvement.

In his doctoral dissertation on *La Nationalité dans l'Empire Allemand* (Paris: M. Giard et E. Brière, 1912. Pp. 225), Mr. Réné Brunet discusses "that specific legal relation which exists between the German states and each one of their members," referring to Despagnet's definition of nationality as the "tie which binds to a state each one of its members," to which M. Brunet objects on the ground that some contractual relation seems to be implied, and that it is not specified that the situation is *de jure* and not *de facto*. His own defi-

nition includes the relations between the state and those who have full political and civil rights and those who have not, but this distinction between citizen and national is not made quite clear. The German constitution provides a common citizenship (*indigenat*) for the whole empire, but this is secondary and is dependent on a primary citizenship acquired from a particular state. One can be a citizen of two or more states at the same time. Many millions of Germans are, according to M. Brunet, losing their citizenship annually by failing to register with the consul before the length of their residence abroad reaches ten years. It is therefore urged that remedial legislation be enacted. The most important provisions would change this ten-year rule; would permit an emigrant to retain his nationality if foreign citizenship had been acquired as an incident of engaging in commerce, and would carry to the extreme the principle of *jus sanguinis*. It is to be regretted that an adequte discussion of the political problems presented by national kinship and of its value in strengthening a state and preventing disintegration was outside the scope of this study.

The Relation of Pennsylvania with the British Government, 1696-1765, by W. T. Root (New York: D. Appleton and Company, 1912). This is a valuable and scholarly study of the organization and activity of the British central institutions of colonial control in the case of Pennsylvania, and the work of the royal officers there administering imperial policies. It falls largely in the field of English history, and is based upon the fundamental materials in the Public Record Office in London. The character of the treatment may be inferred from the subjects of the several chapters, which deal with the administration of the acts of trade, the court of vice-admiralty, the royal veto, the judicial system, finance and politics, the imperial defense, and imperial centralization. Two of the most interesting chapters deal with the struggle between Quaker and Anglican, and the French and Indian War. Monographic treatments of this sort are giving us at last a real understanding of our colonial history. C. H. V.

In a doctoral dissertation, entitled *Les Pouvoirs du Juge en Angleterre* (Tours: E. Menard et Cie., 1912. Pp. 167), M. Roger Faye begins by describing the English judicial system, treating separately the criminal and civil courts. He then selects, for special consideration, as the most striking and important features of English law in which the powers of the judge stand out most clearly, "judge-made law"

and contempt of court. With reference to the first, the author notes relative advantages and disadvantages of the case-system as compared with the continental, or code, system. Contempt of court is defined, described, and then dealt with under the heads of civil and criminal contempt. The discussion ends with references to proposed reforms regarding contempt, especially with reference to appeal.

The court of criminal appeal is treated in part II, as to its history, powers, defects, and excellencies. The final chapter is a discussion of various powers of the judge in trials, as in reconciling or advising litigants, giving rewards for good testimony, etc. The thesis thus seems, on the whole, to have too comprehensive a title; it emphasizes a few characteristics of the English judicial system in general, rather than the peculiar powers of the judge in England.

Essai sur des droits et devoirs des états étrangers à une guerre à l'égard des navires des belligérants dans les ports neutres, by M. Fernand Martin (Dijon: Imp. Darantière, 1912. Pp. 312) is a comprehensive survey of this important doctrine of international law. After an analysis of the essential doctrines of neutrality, the work is divided into two parts. Part I takes up the right of asylum and the inviolability of neutral territory. In part II the obligations of neutrals towards belligerent ships in their ports are dwelt upon, and the sanctions applicable to neutrals violating their obligations. In completing his treatise the author deplores the lack of uniformity in regard to the rules of naval warfare. He points out that The Hague conferences and the London conference of 1909 have done a great deal towards the attainment of this end and expresses the hope that this ideal (a complete international code of rules for naval warfare) may be reached by the third peace conference.

In a monograph, entitled *L'expulsion des étrangers* (Nancy: Crépin-Leblond, 1912. Pp. 342), M. Robert Cugnin presents a treatment of the laws of France and other nations with regard to the expulsion of foreigners from their respective territories. Part I is an analysis of the causes of expulsion and the procedure under the laws of France (*droit metropolitain*) and of her possessions. The author shows that the present law of expulsion is based on danger to the public welfare and that it is applicable only to foreigners. He also devotes considerable space to procedure—arrest and its effect, defenses against expulsion, and similar considerations. Part II deals more briefly with the same

questions under the laws of practically all of the nations of the world, and concludes with a discussion devoted to the international measures taken against anarchists. Part III is a critical review of the subject, in which the conclusion is reached that the laws of expulsion should apply not only to foreigners, but to undesirable nationals as well.

De l'asile accordé aux vaissaux de guerre des belligérants dans les ports neutres, thèse pour le doctorat (Paris: A. Pedone, 1912. Pp. 146), by Joseph Levy-Bouillier is an interesting exposition of this well-known subject. After alluding briefly to the difference in the asylum granted to land and that given to naval forces and the reasons therefor, the author takes up the legal foundation of the right of asylum. A critical review is then made of the systems advanced by Westlake, Depuis, De Lapradelle and others to find a plan which reconciles opposing interests. That of De Lapradelle is accepted as the most ingenious and the only legal one. Chapter II treats of the extent of the right of asylum. The general doctrines are considered, as are the plans advanced at the second Hague conference. The second part of this chapter examines special questions, such as the twenty-four hour rule, repairs, provisions, prizes, prisoners, etc. The question of sanction is covered in chapter III. The appendix treats of maritime asylum and the Institute of International Law. The author emphasizes the necessity of some uniformity among the nations and the difficulty of establishing such a rule.

Within the last two years four French dissertations have appeared dealing with the various problems of international and municipal law involved in the utilization by individuals and by states of the atmosphere for purposes of commerce and war.

M. André Thibout, in his *Le domaine aérien des états en temps de paix et essais de réglementation de le circulation aérienne* (University of Nancy: 1911. Pp. 171), attempts to find between the theory of absolute sovereignty and the theory of absolute freedom of the air an intermediate ground upon which may be reconciled conflicting interests. The interests of aerial navigation demand freedom of the air; the interests of a particular state demand the right of national conservation. Hence this author maintains that individuals and states must have the right of inoffensive use of the air, but that every state has the right to compel respect for its laws in the air above its territory.

M. Albert Gardair, who entitles his study *De la propriété de l'air*

(University of Aix: 1911. Pp. 160), maintains that the air from the point of view of civil law is not the property of the individuals who own the land beneath it except as it is actually appropriated; and, from the point of view of international law, that the air above the territory of a state must be regarded as a part of the public domain and as subject to regulation.

In his dissertation published under the direction of the faculty of law in the University of Caen (1912. Pp. 310), entitled *Essai sur la navigation aérienne au droit interne et en droit international*, M. Henri Guibé devotes 161 pages to a consideration of the juridical nature of the atmosphere from the point of view of private individuals, and 129 pages to a treatment of the same question from the standpoint of international law.

In *La navigation aérienne au point de vue du droit international* (University of Toulouse: 1912. Pp. 224), M. Balalud de Saint-Jean maintains the principle of state sovereignty in the air above the land up to a certain limit fixed by international agreement, and holds that above the fixed limit the air should be as absolutely free as is the air above the open sea. This principle is set forth in the introduction. In part I the author treats the laws of aerial navigation in time of peace, and in part II the laws of aerial navigation in time of war.

The four writers are in agreement on the proposition that the atmosphere over a state is neither absolutely free from regulation nor strictly territorial to an indefinite height. They differ only as to the methods or measure of regulation. The first three make concessions to the territorial theory by admitting the necessity of a measure of state regulation of aerial circulation without limitation as to height, while the last concedes that a definite zone in the atmosphere above a state should be territorial and subject to the laws of the state.

RECENT DECISIONS OF STATE COURTS ON POINTS OF PUBLIC LAW

United States and States—Authority of Decisions. Rothschild and Company vs. Steger and Company. (Illinois, October 26, 1912. 99 N.E. 920.) The decision of the Supreme Court of the United States as to the requirements of civil contempt process in the courts of the District of Columbia is not binding on the courts of Illinois.

Commerce—Race legislation. Alabama Railway Company vs. Morris. (Mississippi, December 9, 1912. 60 So. 11.) A statute requiring

carriers to provide equal but separate accommodation for white and colored passengers applies to travelers going from one state to another in an interstate train. The ultimate settlement of the question rests with the Supreme Court of the United States.

Constitutional conventions.—Opinion of justices. (New Hampshire, July 22, 1889. 85 Atl. 781.) The legislature having delegated to the constitutional convention the power to fix the time when amendments approved by the people are to go into effect, and the convention having exercised that power, the legislature can not alter the date. The opinion had not been reported before.

Constitutional amendments.—State vs. Donaghey. (Supreme Court of Arkansas, December 23, 1912. 152 S.W. 746.) An amendment to the constitution allowing amendments to the constitution to be proposed by the initiative does not abrogate the provision of the constitution that not more than three amendments shall be submitted or proposed at the same time.

Statutes.—Change of constitution.—Achison Drilling Company, vs. Flournoy (Louisiana, June 19, 1912. 59 So. 867.) A statute imposing a tax then unconstitutional, is not rendered valid by providing that it shall not go into effect until a proposed amendment to the constitution authorizing the tax shall have been adopted, and by the adoption of such amendment.

Power to declare laws unconstitutional. In re An act concerning public utilities. (New Jersey, September 27, 1912. 84 Atl. 706). The legislature may create a method of judicial procedure in which the sole question to be presented for decision is whether or not a given statute was enacted in conformity to constitutional requirements, and may give power to the court to decree the statute or any part thereof to be null and void. Compare Muskrat vs. United States. 219 U.S. 346.

Method of enacting legislation.—In re An act concerning public utilities. (New Jersey, September 27, 1912. 84 Atl. 706.) The constitution provides that if the legislature by their adjournment within the five days allowed to the Governor for returning bills presented to him, prevents the return of the bill, the bill shall not become a law by the Governor failing to return it. Held that if the legislature should recon-

vene after the five day limit, the bill can not be returned by the Governor and any action taken by the legislature on a bill so returned is nugatory.

Separation of powers.—Legislative and judicial power. Cary vs. Mine Company. (Colorado, December 9, 1912. 129 Pac. 230.) The fact that the constitution vests judicial powers in equity in certain courts, does not prevent legislation prescribing the procedure to be followed in the exercise of such jurisdiction.

Separation of powers. Stockman vs. Leddy, (Colorado, December 9, 1912. 129 Pac. 220.) An act empowering a joint committee of the legislature to authorize the prosecution or defense of such actions as it may deem proper to protect the rights of the state, attempts to confer executive power on a collection of members of the legislature, and is unconstitutional.

Separation of powers—Judicial powers. State vs. Lloyd. (Wisconsin, January 7, 1913. 139 N.W. 574.) A provision conferring upon the state fire marshal power to issue subpoenas and to punish for contempt is unconstitutional, but does not vitiate the other provisions of the statute.

Separation of powers—Appointing power. Witter vs. Cook County Commissioners. (Illinois, December 17, 1912. 100 N.E. 148.) A probation officer exercises judicial functions, and is an assistant of the court; therefore it violates the independence of the judicial department to vest his appointment in the board of county commissioners. Two judges dissenting.

Right of suffrage—Carpenter vs. Cornish. (Court of Errors of New Jersey, November 18, 1912. 85 Atl. 240.) Denies that women have a right to vote for members of Congress, claim to vote being based on ground that constitution of 1844 was not properly adopted, that the right is guaranteed by the federal constitution, that in the absence of a provision fixing a qualification the right to vote is a natural right.

Personal Liberty. State vs. Armstead. (Mississippi, February 17, 1913. 60 So. 778.) A statute making it a misdemeanor for a laborer, being under contract in writing to render service for a time not exceeding one year to leave his employer before the expiration of his contract

without his consent, and to make a contract of service with another party without giving him notice of the first contract,—is unconstitutional as constituting involuntary servitude.

Freedom of vocation. Hauser vs. North British Insurance Company. (New York, November 19, 1912. 100 N.E. 52.) A statute can not require that a person in order to be permitted to carry on the business of an insurance broker, show in his application that he is engaged principally in the insurance business or that he conducts the business in connection with the real estate brokerage business or with a real estate agency.

Freedom of Press—Contempt of court. McDougall, Attorney General vs. Sheridan. (Supreme Court of Idaho, January 2, 1913. 128 Pac. 954.) Original proceeding by way of information charging the publishers of the Boise *Evening Capital News* with misrepresenting the position of the court in a pending case. Held that the publication is not protected by constitutional privilege and that defendants are guilty.

Police power.—Hours of labor. State vs. J. J. Newman Lumber Company. (Mississippi, November 18, 1912. 59 So. 923.) Sustains a law limiting the hours of labor of persons employed in manufacturing or repairing to ten per day, except in cases of emergency. Relies upon the emergency provision to distinguish the case from Lochner vs. New York and upon the dissenting opinion in the latter case.

Police power. Booth vs. State. (Indiana, January 28, 1913. 100 N.E. 563.) A statute is valid which compels operators of mines to provide washrooms for miners. That the obligation arises only upon the demand of more than 20 employes does not render the act invalid. Compare Starne vs. People, 222 Ill. 189.

Equality. People vs. Harrison. (Illinois, October 26, 1912. 99 N.E. 903.) A municipality may limit the liquor business in proportion to the population; but where the statute forbids the issuance of licenses for longer than a year, an ordinance can not give the licensee or his legal representative or assignee a right to renewal or reissue. However where there are more applicants than licenses, the mayor has a reasonable discretion to determine to whom the license shall issue.

Equality. McLendon vs. State. (Alabama, December 17, 1912. 60 So. 392.) A statute levying a license tax on the pursuit of certain professions exempts ex-confederate soldiers. Held not to violate the bill of rights of the state constitution, but held (the court being equally divided) that the exemption violates the Fourteenth Amendment.

Due Process.—Commitment of insane. Ex parte Dagley. (Oklahoma, December 3, 1912. 128 Pac. 699.) A law authorizing the commitment of insane persons to a state asylum by a board of commissioners, does not violate due process of law, since it also gives to persons so confined the benefit of the writ of habeas corpus. As to notice to insane, and effect of habeas corpus, see also McMahon vs. Mead, South Dakota, December 28, 1912. 139 N.W. 122.

Due process of law—Evidence. McRae vs. State. (Oklahoma, January 13, 1913. 129 Pac. 71.) A conviction of a criminal offense on hearsay evidence is not due process of law, and will therefore be set aside. The court holds such a conviction to be not merely illegal, but unconstitutional, no statute being involved in the decision.

Due process—Possessory remedies. Great Timber Company vs. Gray. (Louisiana, January 6, 1913. 60 So. 374.) An act allowing a person in possession to maintain against an owner a possessory action to repel a trespass, does not deprive the owner of his property without due process of law.

Municipal corporations. People vs. Chicago. (Illinois, December 17, 1912. 100 N.E. 194.) A city may be indicted and convicted for violating in its public institutions a ten hour law for women.

Municipal corporations—Ordinance power. Simpson vs. State. (Indiana, November 26, 1912. 99 N.E. 980.) A statute allowing cities to fix license fees for the privilege of selling intoxicating liquors construed as conferring power to be exercised only once, so that the ordinance fixing the fee becomes irrepealable.

Municipal corporations—Indebtedness. In re Application of State. (Oklahoma, November 15, 1912. 27 Pac. 1065.) The limitation on state indebtedness does not apply to obligations arising out of the ordi-

nary current expenses of maintaining the state government, and intended to be paid out of current yearly revenues.

Administrative law. Sabre vs. Rutland Railroad Company. (Vermont, January 21, 1913. 85 Atl. 693.) A very full discussion of the constitutional aspects of delegation of power to administrative commissions, sustaining the validity of the usual powers of regulation and enforcement.

Labor legislation. Fitzwater vs. Warren. (206 N.Y. 355.) The defence of assumption of risk does not avail against a claim founded on neglect to provide safeguards specifically required by statue.

Statutes. State vs. Fox. (Washington, November 29, 1912. 127 Pac. 1111.) A statute making it a gross misdemeanor to publish matter which shall "tend to encourage or advocate disrespect for law or any court" is not void for uncertainty.

BOOK REVIEWS

The Status of Aliens in China. By Vi Kyuin Wellington Koo, Ph.D. (New York: Columbia University Studies in History, Economics and Public Law, Longmans, Green and Company, 1912. Pp. 356.)

This is the fourth treatise by Chinese students to appear in this series within the past two years, and each volume has been welcomed by Americans interested in Far Eastern affairs.

Dr. Koo's study has more than an academic interest. "Commerce, religion, travel and other interests are drawing increasing numbers of foreigners into China, and the question of their precise status, while residing or being within her territory, becomes today, not only one of enhanced interest, but one of growing practical importance. The multifarious and sometimes complex problems which arise out of their intercourse with the Chinese people depend for their prompt solution primarily upon an accurate knowledge of the rights, privileges and immunities which they are entitled to enjoy under laws and treaties, and of the limitations and restrictions, arising from the same sources of sanction, upon such rights, privileges and immunities. The need of this knowledge is all the more pressing by reason of the fact that foreigners in China enjoy judicial extra-territoriality."

The volume is divided into two parts. The first, of fifty-six pages, is a résumé of the Pre-Conventional Period (A.D. 120–1842), and is very slight, possibly in order that more space might be given to the later period. The second part, 296 pages, covering the Conventional Period (since 1842), is concerned mainly with a very careful study of the origin and exercise of extraterritorial jurisdiction in China, although such topics as "Ports and Foreign Settlements," "The Alien Merchants in the Interior of China," and "The Christian Missionary," are treated in a suggestive manner.

Aside from the British and American state papers, which have been mainly relied on, Dr. Koo had drawn considerable material from the Chinese "New Collection" of papers dealing with foreign relations. This material has been most useful in presenting the Chinese point of

view. It is of interest to note that a study of the Chinese text of the treaty of Nerchinsk, of 1689, fails to confirm the belief, which had been gaining acceptance of late, that extraterritoriality was introduced at that early date.

Although it would be quite impossible to present an exhaustive study of so extensive a subject in the space at his disposal, Dr. Koo has rendered no small service in indicating the lines to be followed by later scholars. His volume, however, contains no bibliography and a very inadequate index, while the fact that he could not see it through the press may account for the typographical errors noted from time to time.

P. J. TREAT.

A Comparative Study of the Law of Corporations, with Particular Reference to the Protection of Creditors and Shareholders. By ARTHUR K. KUHN. (New York: Columbia University, 1912. Pp. 173.)

This treatise grows out of the legislative research work conducted at Columbia University through the Legislation Drafting Association. The subject of its main study is the working of private corporations organized for profit; but this is prefaced by an examination of the genesis of the public and quasi public corporation.

Emphasis is placed on the evolution of the relations between the individual shareholder and the whole group, and the advance made in continental Europe in the eighteenth century (p. 42) by the issue of certificates of stock to bearer, which were transferable by delivery. The French code of commerce led off in this, but it was soon found necessary generally to allow transfers to bearer only of paid-up shares (pp. 58, 69). Spain admits it when the shares are half-paid (p. 95). The Napoleonic scheme followed by the German Code of Commerce allows a recall of directors (p. 56, 123). The Continental general incorporation laws disfavor beginning business until the entire capital is subscribed (p. 60). The first general railroad law was passed by Prussia in 1838 (p. 65). By the imperial code of commerce as it now stands, if any of the directors of a newly formed corporation are to pay for their shares in property, the legality of the organization must be specially certified by public authority (p. 73) This code provides for publicity, and guards against fraudulent management by heavy criminal punish-

ments (p. 80, 81). The English "Companies (Consolidation) Act" of 1908 has similar features.

The Italian general incorporation law requires the judgement of a court that the law has been fully complied with, before a corporation can be organized to do business (p. 89).

The foreign director is often chosen for a long term of years. In Switzerland the first board are elected for three years, and both there and in France, subsequent terms may run six years (pp. 117, 141).

Dr. Kuhn regards the French system of corporate administration worked out in 1867, as the most progressive then to be found in continental Europe (p. 120), though probably trusting too much to the thoroughness of the auditors, whose certificate, if given perfunctorily may serve to hide a multitude of sins.

Germany puts it up to the shareholders to approve the directors' accounts, and leaves to them the declaration of dividends, though they act after a recommendation by the supervising managers—a body with general oversight over the directors.

Her code requires action of the directors, in general, to be unanimous. In Switzerland, but not in Germany, directors can vote by proxy (pp 124–126).

The American policy, generally favored by substantial corporations, of accumulating a reserve fund, to draw on in lean years for dividends, is obligatory in Germany and Italy (pp. 128, 138.)

Italy forbids proxies from shareholders to directors (p. 125), and pursues the Massachusetts rule of forbidding the issue of bonds for more than the amount of the paid up capital (p. 137).

Dr. Kuhn disapproves of holding companies. He thinks well of proportional representation through the cumulative vote (p. 149), and urges legislation putting the direction of proceedings to wind up corporations elsewhere than in the hands of courts (p. 173). Most of his treatise, however, is devoted to the statement of facts, not opinions. His work will be helpful to the American legislator and economist, as a clear description of methods of corporate organization and control, obtaining in Southwestern Europe, which differ widely from those in use in the United States.

SIMEON E. BALDWIN.

L'Organization du Suffrage et l'Expérience Belge. By JOSEPH BARTHÉLEMY. (Paris: M. Giard and É. Brière, 1912. Pp. 7768.)

Professor Barthélemy's book is an excellent example of the kind of scholarship that obtains in France at the present time. To be heavily laden with all the evidences of thorough research is one thing; but to carry the burden lightly and gracefully, is quite another and French. In the hands of our author political science becomes a gay science as the volume is liberally sprinkled with a sprightly wit and delicate irony; though not for a moment is the masterly grasp that Professor Barthélemy has on his subject allowed to relax. His point of view is plainly conservative; but it is a sort of distilled conservatism which comes from disinterested scholarship and liberal culture. The book is written with the primary object of explaining the mechanism of democracy as developed in its most novel forms in Belgium: plural suffrage, proportional representation, compulsory voting and even representation of interests. But the author is not content merely to describe; having the capacity to react on his subject, he often analyses the social, economic and moral background of political phenomena. Of constitutional metaphysics there is not a trace to be found in the entire work.

Part I consists of a historic introduction which portrays the period 1831–1893, when the electorate was greatly restricted by a high property qualification for suffrage. Beginning with 1848, a widespread agitation was organized by Radicals and Socialists with the aim of abolishing all restrictions on voting; this movement culminated in the revision of the constitution in 1893 which established universal suffrage, though modified by plural voting. Professor Barthélemy's own view of the change is not very sympathetic; he accords democracy a forced welcome. In his opinion, universal suffrage tends to make the popular chamber all powerful and so upsets the equilibrium of the powers of government which, to him, is the essence of the parliamentary régime. Socialism and social legislation, too, are the direct issue of a democratized electorate. All this greatly disturbs the author who is evidently a type of conservative more familiar in America than in Europe.

Part II discusses the results of universal suffrage and the significance of plural voting. The two parties that profited most by the change were the Catholics and Socialists. Political Catholicism is the new force evoked by Socialism in continental Europe, and is particularly powerful in Belgium where Catholicism is indistinguishable from conserva-

tism. As may be expected, the Socialist party, received a tremendous impetus through universal suffrage. In fact the Catholics and Socialists are the only two real protagonists; the Liberals did not know how to adapt themselves to the change, and in consequence have been struck with political sterility, for their voting strength remains about the same at every election. Plural suffrage which gives extra votes to the limit of three, to those possessing property or education, was designed to prevent the sudden capture of the Belgian state by the Socialists. A crisis was thus averted which might have produced a reaction. At the present time the Belgian Socialist party, even though it professes a revolutionary creed, is nevertheless quite moderate in practice. This is to some extent due to plural suffrage which, by delaying the advent of Socialism to power, dampens its revolutionary ardor. Professor Barthélemy considers the complaint that the Catholic party is in power because of plural suffrage is very much exaggerated. He shows by statistics that the Liberals and even the Socialists number many plural voters among their supporters; that the Catholic party benefits but little from this system. If this be so, then why are the clericals so strongly opposed to its abolition?

Voting is obligatory in Belgium. The explanation for this, according to our author, is that, before the law was passed, corrupt citizens were paid *not to vote*, as the secret ballot made it impossible to know whether a vote bought would be delivered. To prevent such pratices, compulsory voting was introduced. Another explanation, perhaps, is that this law was intended to offset the rapid growth of Socialism by increasing the vote of the middle classes who frequently neglected their civic duties.

Part III contains a masterly analysis of proportional representation as it is organized in Belgium which was the first country to make extended use of the idea. Proportional representation, advocating as it does mere political fairness, is therefore not an idea to arouse partisan activity, either for or against; hence its progress has been very slow. In the 80's an association was formed to advocate this reform. "When this league was created" remarked M. Nyssens, a Liberal Catholic politician, "there weren't thirty people in all Belgium who had a correct notion of the idea; when we published a notice of the birth of our society, we were regarded as Chinese and our system as a sort of Chinese puzzle." The Belgian law was passed in 1899 by a combination of progressives of all parties. Many Catholics voted for it in spite of the fact that the new method was bound to result in a reduced representation

for them. Professor Bathélemy brings out very clearly that the Catholic party in the long run, benefits from proportional representation; under this system, its majorities, while smaller, are far more stable. It was also hoped that proportional representation would prevent the formation of an anticlerical combination, as each party would have its own list of candidates. The "d'Hondt method," as the Belgian system is known, was especially designed to favor the largest party, i.e., the Catholic; election results have always given the latter more representation than it was strictly entitled to according to popular vote. Prof. Barthélemy, who at times appears in the role of Catholic apologist, makes great efforts to prove the contrary, but he is not quite successful. At present all the Belgian parties endorse proportional representation, because all have profited by it; although the Liberals and Socialists desire to amend the "d'Hondt method" in order to make it more fair. One great benefit of the new electoral system, according to Paul Hymans the Liberal leader, is that it has modified the actions of the extremists and has caused an easy flow of moderate opinion through all the parties." Just because the majority of the Catholic party is always small, its policies have tended towards conciliation. *Gouverner, c'est concilier*, has become its motto. As for the complexities of the system, they exist for the election officers only and not for the voters. The objections raised that proportionalism would produce sleeping sickness on the body politic by crystallizing representation, events have failed to justify; for Belgian politics are quite lively and almost every election has varied in its results. "Belgium," declares Professor Barthélemy, "has almost reached perfection in its organization of electoral machinery. Its scheme may serve as a model to all countries and particularly to France."

J. Salwyn Schapiro.

Handbuch des Wohnungswesen und der Wohnungsfrage. By Prof. Dr. Rud. Eberstadt. (Jena: Gustav Fischer, 1910. Pp. 516.)

This is an important work to which the attention of American students of municipal government has, I believe, not yet been directed. Since the housing problem constitutes today one of the fundamental questions of municipal government, a general work of this character should commend itself to all students of political science; and since Germany has been a leader in this field of social and political activity

the value of such a work is apparent, providing, of course, it has been well done, and this can be said of this the second edition of Dr. Eberstadt's book. It is in fact more than a mere hand-book: it deals with the housing question in all of its general phases—past and present, but with special reference to Germany. Beginning with a historical introduction, the author traces the evolution of city-building through its ancient, medieval, and modern periods for the purpose of showing that the present problems are largely the result of inherited systems and theories wrongly applied to modern social conditions. Present municipal conditions are portrayed by an array of fact and statistics relating to population occupations, rents, land-values, taxes, capital, streets, etc., in their relation to the housing problem as applied to the various classes. The social and legal relations of the city and commune to the state and imperial governments receives due attention while the work of voluntary associations and private building societies is also briefly treated. About sixty pages are devoted to housing conditions in England and other states. A number of typical, recent, local and general building ordinances are given in an appendix, while comparative tables of statistics upon various phases of municipal activities, and numerous illustrations and plans, are interspersed throughout the work. A bibliography, following each chapter, and a good index, at the close, add much to its general usefulness as a work of reference.

KARL F. GEISER.

South America, Observations and Impressions. By JAMES BRYCE. (New York: the MacMillan Company, 1912. pp. xxiv, 589.)

South America of Today. By GEORGES CLEMENCEAU. (New York and London: G. P. Putnam's Sons, 1912. Pp. xii, 434.)

La Republica Argentina. By ADOLFO POSADA. (Madrid: Suarez, 1912. Pp. xi, 488.)

The American Mediterranean. By STEPHEN BONSAL. (New York: Moffat Yard and Company, 1912. Pp. xiv, 488.)

Mr. Bryce, in the South American observations and impressions which he has given to the world, dwells upon those things that meet the eye of the observant traveler; the things that engage his attention are the human material of South America, with all its varied racial attributes, the features of natural scenery, the economic resources of

the countries visited, and the general aspect of social life. In this volume Mr. Bryce is rather the general observer than the political scientist; but that keen power of observation, that just criterion which renders his political writings so distinguished, is here again manifested in the portrayal of South American scenery and life. There are a few general chapters on political conditions, and on the two Americas, in which matters of political action are touched upon; but Mr. Bryce does not intend to do more than give some suggestive indications. With diplomatic reserve he abstains from any critical analysis; he sees the interesting side of life, and in a charming literary manner allows us to participate in the joys of travel; but he does not feel called upon to analyse political phenomena into their ultimate factors.

The book is one of observation, and not of discussion; but it abounds with many luminous sayings in which the author suggests his views of political affairs, as when he says, concerning the fortifications of the Panama Canal: "Who are the enemies whom it is desired to repel?" When speaking of the fighting so frequent in South America, he says: "If war, apart from the pure aim and high spirit for which it conceivably may be, but seldom has been, undertaken, lifts and ennobles, as well as toughens the fiber of a nation, what virtues ought it not to have bred in these South American countries?" Or again, he testifies that "the big nation has generally borne such provocations with patience, abusing its strength less than the rulers of the little ones abuse their weakness." Mr. Bryce interests himself primarily in the racial problems of South America, and studies with special zeal the characteristics of native tribes in Peru, Bolivia, Chile, and on the east coast. He devotes a chapter to the relations of the races in South America, in which the forecast as to the future composition of the population in the tropical regions, though hopeful, is not entirely optimistic. The author seems however, to underestimate the amount of race mixture between the Spanish and the native elements in the rural parts of Argentina.

Mr. Bryce's experience in Lima seems to have been less delightful than a visit to that city is apt to be, he was oppressed by its damp and murky air, while usually the climate of Lima leaves little to be desired. It is evidently a slip, when it is stated that the inhabitants of the valley of Piura in 1786 were mostly negroes. President Leguia escaped from the attempted *coup d'état* in 1909 with mere insults on the part of his assailants; he was not wounded and left for dead. In speaking of Balmaceda the impression is given that the chief cause of quarrel between him and parliament was a claim that he could levy taxes without its

consent; it was rather his attempt at interference with elections, and his opposition to the responsibility of ministers to Parliament, that were the points at issue, while his action of continuing over the budget for another year was an instrument of warfare. The Chilean term "roto" as applied to the common people is usually interpreted as meaning "ragged" rather than "broken down." Brazilian titles of nobility do not apply to families, but only to individuals who already bore them under the empire; with their death the titles lapse.

It would be difficult to follow Mr. Bryce in his opinion that Spanish America has shaken itself free from European habits more completely than Teutonic America. As a matter of fact, the entire intellectual life of South America is adjusted to European standards. That the Brazilians seem to give attention primarily to practical subjects of study is undoubtedly due to the fact that these subjects have recently come into a position of more recognized importance; but, essentially the quality of the Brazilian mind is literary, oratorical, and poetical. Men seek distinction by literary expression, and Brazil has developed the most important literature of South America. The judgment that South America has not produced a thinker, poet, or artist even of the second rank, is perhaps true as an absolute statement; and yet it contains a certain injustice. South America has had men of the highest ability, but they have lacked a public such as an Anglo-Saxon writer appeals to, on account of the lack of intellectual relations between the different South American countries.

The book of M. Clemenceau is an intersting account of the famous French statesman's sojourn in Argentina and Brazil, in which he gives us his observations on South American life, and incidentally repays courtesies extended to him by a very appreciative estimate of Argentinian civilization. While the book makes very interesting reading, it does not give us much new information about South American life, nor does it attempt a solution of the many problems that confront the observant traveler. Some of the general statements do not convey very precise ideas, as when he says: "The Brazilians possess in an equal degree with the Argentinians the capactity of bringing to the highest point of perfection any work to which they set their hand;" or again, "The distinctive traits of the Brazilian people would appear to be an irresistible force of impetuosity in an invariably gracious guise, and every talent necessary to insure the fulfillment of their destiny." In reading such statements as: "The family tie appears to be stronger in the Argentine than in perhaps any other land," and "All that can

be seen of the public morals is most favorable;" one is inclined to question by what methods of comparison the author arrived at such conclusions. The author's chapters on Argentinian politics and on life in the Pampas are of special interest and value. He emphasizes the religious freedom of Argentina, and the almost complete separation of the political and religious factors. But when he says that in Argentina, patriotism is almost a mania, and speaks of "rabid Argentinism under a European veil," he may indeed be portraying the mental attitude of individuals; but in the general Argentinian temper the cosmopolitan element seems to be rather stronger than the author would imply. He recognizes the importance of the Indian element in Argentinian nationality, but when he speaks of "Indian simplicity, dignity, nobility, and decision of character, modifying the turbulent European blood," he seems to be talking in a romantic vein. An interesting sentence is: "Our implacable civilization has passed sentence on all races that have been unable to adapt themselves to our form of social evolution."

Professor Posada's book on the Argentine Republic is the work of a scholar, who bases his results primarily on reading and investigation, supplementing these with personal observations on Argentinian life and institutions. He enters quite fully into a discussion of the disparity between the Argentinian constitution and political practice, and shows how, through the oligarchic system which obtains in Argentinian politics and enterprise, a fertile soil has been prepared in this new country for Socialism and Socialist agitation. The municipal activities of Buenos Ayres, the Argentinian education system, and life in the rural regions are also dealt with in a very informing manner. The Spanish scholar feels much freer than the British diplomat and the French statesman to approach the actual and essential facts of Argentinian life.

Mr. Stephen Bonsal has given us a very interesting, informing, and readable book, on the Caribbean and Central American countries. He has visited these regions, and with his account of their recent history and economic development there are interwoven observations made during his travels. He describes the backwardness of the black republics of Hawaii and Santo Domingo, the success of the American fiscal protectorate in the latter republic, the Castro régime in Venezuela, the economic stagnation in many of the West Indian Islands, and gives an especially valuable chapter to an account of the difficulties which Madero's government has to overcome in Mexico. This statesman has enlisted the author's admiration, who sees the main root of his troubles

in Madero's high sense of justice, which has proclaimed that "to the victors belong no spoils," and to the confidence with which he relies upon the possibility of conducting the government as a civilian, without the pomp or cruelty of a military dictatorship. Mr. Bonsal believes in the extension of the system of American fiscal protection to other weak republics, in order to give them an opportunity to improve their administration and develop their resources. He emphasizes the unselfishness of American policy in trying to build up a Central American union and is generally favorable to the recent aims of American diplomacy. Perhaps it may be said that the author has been too prone to represent new developments of policy as already completely contained in negotiations of decades ago, as when he says that the Cuban situation was not really changed by the Platt amendment, or that the Lodge resolution practically reaffirms in other words the principle of the Monroe Doctrine, adding, however, "and constitutes an important development in our foreign policy."

PAUL S. REINSCH.

The American Occupation of the Philippines. By JAMES H. BLOUNT. (New York: G. P. Putnam's Sons, 1912. Pp. 655.)

"Singleness of purpose" is a sadly over-worked phrase, but had the author of *The American Occupation of the Philippines* embodied this homely principle in his book, there would have been no need for reviewing it in this publication, as it should have been purely a history of the military period of our colonial government in the Philippine Islands. The author has turned aside from this worthy historical task, however, in order to advance a host of arguments regarding various phases of our colonial policy. Nevertheless, in giving us a fairly accurate even though entirely one sided picture of the "Dark Ages" of our colonial history, Judge Blount has performed a real service. Having been a soldier and judge in the Philippine Islands until 1905 he is well qualified to describe a period that was primarily one of military and legal suppression of militant insurrection. His personal observations are backed by documentary evidence, consequently the picture of governmental blunders and of manipulation for the benefit of party politics in the United States is quite convincing even though it is unfair.

Judge Blount's health broke down in November, 1904, when he was

in the midst of the most unpleasant part of the Pulajan insurrection and he had to leave the Islands a few months later with the feeling that he could never again live in the tropics. Therefore in discussing Philippine events since 1904 he has had to interpret everything in terms of the Philippine experience he had had before that time. Furthermore the point of view of a soldier and judge which served so well for this early period of insurrection, was a positive handicap in understanding the events of the last seven years of peaceful civil government in which education and economic development were the guiding principles. The great weakness of the book is that the author does not treat even this earliest period from a purely historical standpoint, but continually quotes Dewey, Otis, MacArthur, etc., to show the present needs of the Filipinos. Out of a total of 655 pages, 514 are given to the period of war and insurrection which lasted till the end of 1905. Fifty pages are given to the events of the last seven years during which time practically all of the constructive work of our colonial policy has been carried out. Even in this brief fifty page summary the discussion has to do almost entirely with the attitude of the various governors general toward the Filipinos and with the evils of our colonial tariff legislation. The school system which is the basis of our colonial policy is dismissed in two lines. The administrative system, and progress in local self-government are not even mentioned.

The last hundred pages are given to a miscellany of topics: An unsuccessful attempt to discredit one of the American commissioners, the Hon. Dean C. Worcester, to whom the author evidently has a terrible aversion; an attempt to show the influence of "trust domination" in these Islands; and finally a solution of the present Philippine problem which involves a new division of the Islands into thirteen original states to form a future federal republic and the appointment of thirteen American governors to whip these newly organized states into shape for final autonomy in 1921. This solution is in itself the best evidence of how much the author has lost touch with Philippine affairs since 1905. For instance one of the most logical parts of this scheme for a federal republic of thirteen states involves the union of the three provinces of Panay Island to form the single state of Panay. As a matter of fact this Island is divided into three fairly equal divisions by a three pronged mountain range that rises to a height of 4000 feet. Each province has its capital at the mouth of its principal river. Each has a slightly different language and a distinct political life running back to the

dawn of its history. Iloilo which would undoubtedly be the capital, is completely beyond the reach of that third of the population living in the northwest corner. The other items of this scheme show an equal lack of knowledge of the fundamental factors involved in the present makeup of the Philippine government. The Americans who have been at the head of the Philippine government have recognized the wisdom of the political organization that the Spaniards worked out for these Islands during their three hundred and thirty years of occupation, and therefore have made practically no alterations in the political divisions already established. It is unfortunate that Judge Blount with his intimate knowledge of the war period of our colonial government was unable to withstand the pressure of partisan politics, and has therefore spoiled what might have been a good history of an important period of our national life, in order to produce a controversial book that is of doubtful value to the cause for which it was written.

O. GARFIELD JONES.

A Treatise on the Laws Governing the Exclusion and Expulsion of Aliens in the United States. By CLEMENT L. BOUVÉ. (Washington, D.C.: John Byrne and Company. Pp. xxvi+915.)

Mr. Bouvé's careful, thoughtful and elaborate treatise on the exclusion and expulsion of aliens is at once a contribution to international law and an examination of the methods adopted by one country—namely, the United States—to exclude and, in appropriate cases to remove, from its jurisdiction undesirable aliens. It is in the highest sense of the word, an original treatment of the subject as it is based not upon statements of distinguished authors as to the right of each nation to determine for itself the make-up of its body politic, but upon the provisions of treaties, enactments of congress, and their judicial determination by the federal courts of the United States. The theoretical right of an independent nation to exclude certain classes of foreigners from its territories, to impose conditions of entry, and to devise necessary or appropriate rules and regulations both for their entry, residence, and, in given cases, their expulsion, is considered with great care and in great detail. The literature on the subject is quoted and utilized, but Mr. Bouvé prefers, and in the opinion of the reviewer properly, to rely upon the authoritative statements on these important questions to be found in leading and carefully considered decisions of the supreme court.

But frequent as are the quotations from judicial decisions they form but a comparatively small part of the treatise. Mr. Bouvé does his own thinking, states his conclusions and their reasons in his own language, and enhances the weight of his conclusions by apt quotations from the courts. He is the master, not the slave, of his authorities. In the next place, Mr. Bouvé reproduces in his text the provisions of treaties dealing with his subject and the laws enacted to give effect to them, as well as the provisions of the statutes passed in the absence of treaties to prevent the admission or residence of aliens which it is the declared policy of our country to exclude. But treaty stipulations and clauses of statutes do not stand alone. They are analyzed and supplied with a comment at once clear and convincing—historical when history is required; critical as occasion demands.

Mr. Bouvé does not discuss the question whether it is wise or unwise to restrict immigration. He neither commends nor visits with his approval the policy which our government has been pleased to adopt. There are no tables showing the nationality of immigrants; there are no statistics indicating the numbers of foreigners that have come to the United States. His volume is in no sense a sociological study; it is a legal treatise. He is content to find that the United States as an independent nation has the power to refuse admission, as well as to deport those who have entered in violation of the laws, as well as those whose presence has been determined by statute to be undesirable. He shows that the nation, not the States of the American Union, possesses the right and the power to pass upon and determine these questions, and he is interested in explaining the methods taken to carry into effect the statutes which have been enacted for this purpose.

The first chapter, entitled "Power and Methods of Exclusion and Expulsion," deals with the general right of governments to exclude or expel; limitations imposed by international law on the exercise of the right; the exercise of the power in the United States. In this chapter—of more than 140 pages—he gives an historical account of the regulation of immigration by treaty and an analysis of the various acts of congress which have been passed from time to time.

The second chapter, entitled "The Existing Immigration Law," deals with the act of 1907 as amended in 1910. Each section of the law is quoted, analyzed, commented upon, and the departmental rules and regulations issued by authority of the act are examined and explained. After having considered the power and methods, and the existing immi-

gration law, Mr. Bouvé takes up and discusses at much length and with great care the status created by the law, of which unfortunately no adequate idea can be given in a brief review. This chapter, however, is especially called to the reader's attention as best calculated to show the strength of Mr. Bouvé's reasoning and the grasp of his entire subject. The balance of the work—chapter 4, entitled "Judicial Review of Administrative Decisions;" chapter 5, "Evidence;" chapter 6, "Deportation Procedure"—are technical and appeal primarily to administrative officers whose duty it is to execute the law, and to lawyers engaged in defending the rights and privileges of their clients.

The Appendix—pages 685–856—is not the least valuable part of the work. Appendix A gives the most important laws of foreign countries regarding the exclusion and expulsion of aliens. Some are summarized, others given in full; and, taken together, enable the careful reader to make a comparative study of the question. Appendix B prints the material portions of the laws relating to the admission of Chinese into the United States. Appendix C is very valuable, as it collects the departmental regulations governing the admission of Chinese. Appendix D reproduces the white slave traffic act of 1910, and, finally, Appendix E, the acts of the Philippine commission. A table of cases discussed or cited in the course of the work is prefixed, and the treatise closes with a very elaborate, detailed and useful general index, which has the valuable features of a digest.

A careful reading of this treatise from cover to cover, and a detailed and careful examination of its various parts show that the author has made a distinct and valuable contribution to the subject of which he treats. Dealing with a technical question of large, but nevertheless limited, interest, it is not to be expected that the work will become popular in the ordinary sense of the word; but Mr. Bouvé has the consolation that the time and industry spent upon the work have not been wasted, and that he has produced a careful, thoughtful, conscientious treatise, throwing light upon the subject and of genuine service to all those interested in the laws governing the exclusion and expulsion of aliens in the United States.

JAMES BROWN SCOTT.

Das Problem eines internationalen Staatengerichtshof. By Dr. HANS WEHBERG. (München and Leipzig: Duncker and Humblot, 1912. Pp. xx, 243.)

This is the second volume in the series entitled *Das Werk vom Haag* edited by Professor Schücking, and it furnishes another example of the great interest which is being taken in Germany during recent years in the work of The Hague Conferences. In an interesting note on p. 144, Dr. Wehbeg speaks of his conversion to pacificism in 1908 when he first began to realize that the creation of The Hague Tribunal in 1899 marked a turning point in the world's history. There appears to have been very little appreciation of this fact in Germany prior to the publication of Meurer's important work on *The Hague Conference* in 1905, but since then the number of German publicists deeply interested in the modern peace movement has been steadily increasing. In addition to the pioneers Fried and Schlief, the list of German peace advocates now includes such important names as those of Kohler, Lammasch, von Liszt, Nippold, Schücking, Ullmann, Wehberg, and Zorn. Instead of being as formerly one of the most backward countries in this respect, Germany is now furnishing the world with some of the deepest students and most radical champions of the peace movement. To those who appreciate the profound influence of German scholarship, this is a fact of the greatest significance.

After calling attention to the change in our conception of sovereignty as applied to international relations, the author points out the necessity of developing international law by means of judicial decisions. In the third chapter he proves the impossibility of furthering this development under our present system of arbitration which is based upon a spirit of compromise rather than an ideal of justice. He shows conclusively that this system cannot even be reformed. In the next chapter he points out that an ideal system of international courts would require the total exclusion of diplomatists, of nationals belonging to either of the litigant states, and even of judges named by them. He insists upon a permanent court and condemns any system based upon the idea of rotation of judges who, he thinks, should be chosen by means of indirect election through an electoral college.

It is interesting to note that Dr. Wehberg does not believe in the need of appealing to force for the execution of international decisions. This and other matters are discussed in the sixth chapter. In the later chapters, he discusses the various projects hitherto proposed for a permanent

international court, presents in detail the debates on the project of the court of arbitral justice recommended by the second Hague Conference, and furnishes the text of this project with a valuable commentary. The closing or tenth chapter is devoted to a consideration of "prospects."

On the whole, this new work of Dr. Wehberg's is most suggestive, attractive, and scholarly, and it constitutes a valuable contribution to the subjects of which it treats. On only one point does the reviewer seriously disagree with the views of the author as expressed in this book. He does not agree that *any* tribunal or court of arbitration is well adapted to the decision of important political disputes. For the settlement of these questions we must, at least for a long time to come, continue to look at diplomacy, mediation, or possibly to international legislation.

The volume contains a very full and useful bibliography. It is dedicated to James Brown Scott, American delegate to the second Hague Conference and main author of the American project for the court of arbitral justice.

AMOS S. HERSHEY.

War and Its Alleged Benefits. By J. NOVICOW. Translated by Thomas Seltzer. (New York: Holt and Company, 1911. Pp. 130.)

As vice-president of the International Institute of Sociology the author of this book deemed it worth while to refute the arguments advanced by the militarists in defence of war. He has done this in a manner fairly satisfactory—considering the small space at his disposal—to everyone except the militarists.

Insisting that war must be regarded not merely as a defensive operation but an offensive one as well, he reviews the objects of war as cannibalism, spoilation, intolerance and despotism; and argues that since none of these objects are beneficial they cannot justify warfare. Nor can war be justified as an end in itself; since 8000 wars have settled nothing, war is only very exceptionally if ever a solution of international difficulties.

The physiological effect of war is, not to aid in the destructuion of the unfit, but to destroy the bravest and the physically best; not to enable the victors to marry the women and produce a cross-breeding favorable to the race, but to enable the least brave and therefore the unskilled among the victors, and the fugitives and weaklings among the defeated, to become the fathers of the race. The physically defective are rejected

by recruiting officers, and it is precisely these whose offspring are most numerous. Military exercise cannot compare with athletic sports in improving the animal man, and the practice of athletics is in inverse ratio to militarism, as the experience of England and Germany proves.

The economic cause of wars is the deeply imbedded notion that wealth can be procured more easily by seizing the possessions of others than by producing it oneself. But this is a fallacy, for war has always cost more capital and labor than would have been requisite for the production of an amount of wealth equal to the spoils of the war. The capital invested in the maintenance of Europe's armaments is equivalent to twenty-one billions of dollars, which exceeds that invested in any other of the world's industries, except railways; preparations for warfare, therefore, are also a costly diversion of the means of production.

The political justification of warfare is that national unity is founded upon it, as, for example, that of Germany. But warfare prevented German unity for nearly nine centuries; and German unity, as well as every nation's unity, has come only when a peaceful, legal means of settling disputes has taken the place of warfare. The larger union of the eighteen powers of Europe today is prevented by their claim to the right of declaring war whenever it seems good to them—as was the case with the five hundred German principalities of the old régime. Linguistic unity and territorial immensity do not insure popular welfare nearly so much as does international security and civilization in general; and these can best be attained in the absence of warfare, and by means the precise opposite of it.

Intellectual stagnation is not the result of peace, nor is war the cause of intellectual productivity, which follows, rather upon economic productivity. War has checked economic productivity; it has destroyed communities more especially devoted to intellectual pursuits, as for example Athens, Florence and the Flemish cities; and the most warlike of nations have shown the least evidence of scientific spirit. The economic burden of war reduced the potential leisure and the intellectual appreciation of the world; while war itself has hindered normal migration and the normal admixture of races, and has thereby retarded humanity's intellectual progress.

War, it is asserted, promotes self-sacrifice and many other moral virtues; but war is robbery, murder, violence of all kinds; war is hell; and virtues do not flourish in hell. The warlike nations are not the most moral, the peaceful nations the most corrupt. War is a reversion to animalism, which demoralizes both victors and vanquished. Even

if war did promote the virtues, should it be engaged in for that purpose, any more than cholera or diphtheria germs should be spread so that physicians should have the opportunity of giving proof of their devotion to humanity? War is not the cause of the highest kind of struggles; this is caused by the inextinguishable effort of humanity to fulfill economic, political, intellectual and moral needs. If struggle, therefore, is the source of virtue, its most prolific source is to be found in other than military struggle.

Such is a résumé of Mr. Novicow's arguments against war, between the lines of which countless similar arguments are suggested; and the reader of this little book lays it down with the impression that here was a David of dynamite destroying a Goliath of straw, a trip-hammer killing a fly—even though, like most Davids and most trip-hammers, it has some soft spots and weak places.

W. I. HULL.

Universal Peace—War is Mesmerism. By A. E. STILWELL. New York: Bankers' Publishing Company, 1911. Pp. 178.)

This book was inspired by the gift of the Peace Palace at The Hague, it is dedicated to the donor of that Palace (whom the author desires to see elected to the presidency of the United States), and it opens with an appeal to the sovereigns of Great Britain, the German Empire and Russia, to make warfare impossible.

The means suggested for the accomplishment of this universally desired object are: the substitution of secretaries of peace for secretaries of war; the devotion of the cost of one warship to an exchange of friendly visits, and of the cost of armaments to "sending young men to all parts of the world to study business" (Germany could thus "keep an army of peace numbering 312,000 in foreign countries developing German trade relations"); the cessation of armament increase and upkeep for fifteen years; an agreement for a two years' warning before commencing hostilities; a mutual payment to insure each other's peace—as payments are made to foreign insurance companies against fire; the annual reduction of armaments by 10 per cent each year, and the placing of the remaining one-tenth under an international flag to enforce, if necessary, the Hague Tribunal's decrees; and in particular, the abolition of the Monroe Doctrine and the consequent opportunity afforded the strong powers—preferably Great Britain, the United States and Holland, which proved their ability in this direction—to substitute clean, up-to-date govern-

ment for the festering governments of Latin America, and the promotion thereby of good trade, civilization and the world's peace.

The publishers used fourteen adjectives within three lines of an advertisement which heralded the advent of this book; and the reviewer would add to these at least three others, namely, pragmatic, epigrammatic, and one which may be left to the imagination of the reader who has pondered the peace program outlined above.

WM. I. HULL.

The Problem of Empire Governance. By CHARLES E. T. STUART-LINTON. (London: Longmans Green and Company, 1912. Pp. x, 240.)

The author of this little book is an ardent Tory imperialist. He is convinced that the Empire is doomed to early disintegration unless it can be rescued from the baneful ascendency of the Little Englanders. The recent development of nationalistic tendencies in the new Dominions fills him with the same righteous indignation and dismay as was felt by his Conservative forbears at the time of the grant of self-government to the colonies.

But Mr. Stuart-Linton is something more than a critic of the policy of *laisses-faire.* He is an idealist who looks forward to the day when the Empire shall be united into a grand world-wide federal state. In order to awaken a keener interest in the problem of imperial orgnaization, he ventures to draw up a written constitution for the Empire. The result is a fantastic instrument of government in which conflicting principles of the English, American, Canadian and Australian constitutions all find a place. A few features only of the draft constitution need be mentioned: an imperial executive and legislature are created; India and the crown colonies are excluded from equal membership in the union; the self-governing colonies are called upon to surrender a large measure of their autonomy; the imperial parliament is robbed of its legislative supremacy, and a federal judiciary is entrusted with the guardianship of the constitution.

Such a constitution, it may be safely asserted, would be equally objectionable to all parties concerned: it disregards, alike, the traditions of the English constitution, the national sensibilities of the new Dominions, and the hopes of the subject races of the Empire. The day of paper made constitutions is past. The attempt, however, to frame such a constitution may prove beneficial in so far as it serves to direct the

attention of the post prandial Imperialists to the practical difficulties of reconciling the divergent interests of the colonies with the demands of imperial unity. A constructive imperialism has long been required in place of oratorical generalities.

The concluding chapters of the book are devoted to the consideration of some administrative problems of the Empire, chief among which are the problems of defense and fiscal policy. The author presents a cogent, if not conclusive argument in favor of the unification of the naval and military forces of the Empire as opposed to a system of national colonial units. The fiscal question is treated after the fashion of the early mercantilists.

However much the specific proposals of the author may be open to objection, the book possesses at least the merit of presenting a fairly definite conception of the political faith of the modern school of Conservative imperialists, "one life, one flag, one fleet, one throne."

C. D. ALLIN.

Armaments and Arbitration. By Rear-Admiral A. T. MAHAN, (New York and London: Harper and Brothers, 1912. Pp. 260.)

Admiral Mahan's latest book may be described as a series of essays in international political science. Each chapter contains what was originally an article published in a review or magazine during the year 1911—all except one in the *North American Review*, one in the *Century Magazine*.

All the essays deal with or illustrate the same thesis—that in the international community, as in all other political societies, the ultimate force by which the necessary adjustments and readjustments between the units are effected, is not merely public sentiment, directed by expert judgment, but, in the last resort, is physical force wielded by the armed nations in their own behalf and also often in the interest of the whole international community. War, as the author points out, may be, and often is, the application of physical force to bring about the formulation and enforcement of new organic dispositions and new laws within the society of nations. This physical force, as he concludes, is rightfully applied by an armed nation, or a concert of armed nations, when existing organic dispositions and existing laws of the international community have become unsuited to existing conditions and interfere with proper development, and when necessary adjustments cannot be made by treaty, conference or other legislative process, and no other remedy for the intoler-

able conditions exists except the compulsion of physical force applied by that part of the international community which demands the change against that part of the international community which resists the change. It follows from this, as Admiral Mahan points out, that arbitration, considered as a process of settling international disputes, on the basis of existing law, as inadequate for the settlement of all disputes, and is in fact limited to the few cases where the arbitral tribunal acts under a generally accepted organic disposition or a generally accepted law which appeals to the disputing parties as just and proper.

The chapters on the international status of the Panama Canal and on the acquisition by the United States of the Panama Canal Zone, are convincing expositions of the American position as respects these matters. The chapter in criticism of Mr. Norman Angell's work *The Great Illusion* points out the necessary qualifications to the thesis which Mr. Norman Angell has attempted to sustain.

Like Admiral Mahan's other books, the present volume shows a painstaking collection and weighing of facts and a profound analysis of existing international institutions and processes.

A. H. SNOW.

American City Government. By CHARLES A. BEARD. (New York: The Century Company, 1912. Pp. 420.)

This volume is not a systematic treatment of municipal government in the United States, but, as its sub-title "A Survey of Newer Tendencies" indicates, it deals chiefly with the economic and social conditions which, rather than government, form the leading problems in American cities. The author, indeed, points out the fact that many of the fundamental concerns of cities are matters of state and national control, and that the form of municipal government is therefore not of first importance. Conditions and results, rather than machinery and methods are emphasized throughout the volume.

After a chapter on city population, dealing chiefly with urban growth, congestion, and the foreign element, three brief chapters are given to city government, especially from the point of view of municipal home rule, and of democracy in city organization. Direct primaries, initiative and referendum, and various forms of recall are treated in a sympathetic way and the influence of voluntary associations on governmental reforms is noted. The present tendency toward commission govern-

ment is discussed at some length and the municipal civil service is considered. Of particular value are the chapters dealing with the preparation of municipal budgets, the granting of franchises to public service corporations, and the tendencies in favor of and opposed to municipal ownership.

The bulk of the volume deals specifically with some of the questions which come nearer home to the average city inhabitant. Protection against vice and crime, city streets, recreation, public health and safety, tenement housing conditions, education, industrial training, and city planning are among the topics treated, and under each the present tendencies are considered, and the methods found most satisfactory or proposed by the most earnest and intelligent reformers are indicated. In fact, one of the most striking features of the book is the assembling under the proper headings of a considerable number of recommendations or ideal plans that have been proposed to meet the problems which are under consideration. In the Appendix are found an outline of sections for a model street railway franchise and the recommendations of the New York City commission on congestion. A brief bibliography is appended.

This book is frankly a study of the recent progressive movement, using the term in a broad sense, as applied to municipal development. With this movement and with its methods the author is apparently in full sympathy. The chief criticism that may be made against the book is that the recent progress in municipal affairs is attributed, perhaps too much, to these valuable progressive devices and not enough to the increasing realization of the nature of city problems and to the growing public spirit on the part of many men who desire efficiency, honesty, and justice in municipal activities. In addition, any discussion of the abuses to which the recall is subject and of the practical failures of socialistic methods where they have had some opportunity for application is omitted. The book is, however, an excellent summary of present conditions and tendencies in American municipal life, and is constructive in its proposals for further improvement.

RAYMOND GARFIELD GETTELL.

The Government of American Cities. By WILLIAM BENNETT MUNRO. (New York: The Macmillan Company, 1912. Pp. lx, 401.)

The author of this work, who has recently been made professor of municipal government at Harvard, is well known, through his *Government of European Cities* and other contributions to this field, as one of the leading students of this branch of political science.

To quote from his preface (vii) this present book "deals with government rather than with administration, with the framework rather than with the functioning mechanism of the municipal organization. This is not because the latter is in any sense regarded as the less important of the two, but merely because it is proposed to deal fully with that phase of the subject in a later volume." We therefore do not expect to find a treatment of city planning, the construction of streets, sanitary administration, the problems incident to providing light, water, transportation, education, enlightenment, culture, safety, and peace, or any of the other undertakings which the city government faces after it has been set up. We are concerned here rather with the problems incident to setting up the government and making it responsive to the popular will. "We have heard so much," he tells us, "in recent years concerning what the government of American cities ought to be that an apology is hardly necessary for the emphasis which this volume places upon what their government really is."

The fourteen chapters in the book deal in succession with the following topics: American municipal development, which is treated in five periods; the social structure of the city, its people, their characteristics physical and moral, and their dependence upon the immediate environment; the relation of the city to the state, with a virile discussion of the policy of home-rule in legislation for municipal needs; municipal powers and responsibilities, with the best brief treatment of the ordinance power I have seen; the municipal electorate; nominations and elections, with a strong plea for the short ballot; municipal parties and politics; the city council, with the various plans of representation; the mayor; the administrative departments; municipal officials and employees; in addition to the foregoing, which the author calls "orthodox city government," follows a discussion of the newer government by commission; direct legislation and recall; and municipal reforms and reformers.

The treatment of this matter is wholly satisfactory. There is no erudite theorizing, no philosophical padding, but a practical statement,

lucid, direct, simple, and candid, of the machinery at present employed in conducting the affairs of a municipality. The amount of space given to parties, nominations and elections may be regarded as too great if one assumes that the reader is a student of the more general field of political science; but assuming that it is necessary to treat these matters fully in order that no lacunae may be left, the author's method leaves little to be desired. The point of view in the chapters on the newer methods of making government responsive to the popular will is neither pessimistic nor too sanguine. The author seems slow, however, to believe that these supposed panaceas for political ills are going to bring into play among the citizens a greater amount of intelligence than they have heretofore evinced; and without a greater display of intelligence, there is scarcely any reason to believe that our use of the recall will prove more successful than our use of the power to select officials has been. One must also doubt whether we shall legislate with any greater wisdom than we have used in the selection of legislators. "There are many who believe (331) that ordinance-making by city councils and law-making by legislatures have not by any means deteriorated to a point that calls for the application of drastic remedies," and there are also many who are unwilling to believe that neglect of duty on the part of the electorate is an argument for giving the electorate more duties to perform.

The footnotes are plentiful and useful. At the end of each chapter is an ample guide to further reading in the field with which the chapter deals. The index seems to be sufficient. On the whole, this promises to be one of the books that the student of American municipal government cannot do without.

EDGAR DAWSON.

Commission Government in American Cities. By ERNEST S. BRADFORD. (New York: The Macmillan Company, 1911. Pp. xiv, 359.)

Dr. Bradford's book belongs to that period in the literature of his subject which, accepting the commission form of government as a permanent addition to our institutions, devotes itself to a scientific study of the content of the idea. The author set as his task: "To inquire as to the rise of the plan, the reasons for its adoption, and the degree of success attained where it has been tried, and finally to analyze the idea into its elements, and to try to account for certain of the results which have followed its introduction.

To this end Part I follows in detail the development of the movement from its source in Texas to Iowa whence, gathering renewed strength, it branches westward reaching the Pacific coast and eastward as far as New England. In the progress of the idea new features are found to have been added from time to time. Houston added the referendum of franchises and bond issues; Des Moines sought to ensure efficiency by a civil service commission and non-partisan primaries and elections, and popular control through the initiative, referendum and recall. Grand Junction introduced preferential voting, and Wisconsin, by abolishing local citizenship as a qualification for commissioner opened the way to the adoption of the German plan whereby efficient city officers are promoted from town to town. In connection with the account of the progress of the idea through the country some of the most striking results already accomplished are chronicled.

Part II is devoted to a detailed comparative study of the salient features of the several laws and charters. The essential features are indicated as (1) a small body of officers; (2) election on general ticket; (3) the combination of legislative and administrative authority in one body; (4) the assignment of a commissioner to be the head of a department, and (5) certain "checks" to assure popular control. The "checks" include provisions for publicity, initiative and referendum, the recall, non-partisan primaries and elections and the merit system. Of the practical value of the checks the author finds it yet too soon to speak. Valuable features of the book are the extensive information given in tabular form and the bibliography.

At the risk of seeming ungracious certain points in criticism should be mentioned. The fact that the "checks" are usually found in these charters scarcely warrants their inclusion among the essentials of the plan, since commission government exists without them and each of them exists apart from commission government. Are they not useful adjuncts rather than essential features.

The treatment of the objections to the plan is scarcely adequate. The rather prominent objections that it is undesirable to combine the taxing and spending authorities; and that the plan gives no assurance that the services of trained experts will be secured, particularly under the Houston type, are ignored entirely.

The author's discussion of possible classifications would have been strengthened had he differentiated clearly the Houston from the Galveston type of organization. Neither is attention called to the probable effect of this difference on the future character, lay or professional, of the commission.

In spite of certain possible criticisms of detail, however, Dr. Bradford's work, which displays throughout most painstaking industry in the collection of materials from widely scattered sources, stand as the most valuable compendium of information on the progress of commission government down to the close of the year 1911.

FRANK G. BATES.

The Records of the Federal Convention of 1787. Edited by MAX FARRAND. (New Haven: Yale University Press, 1911. 3 vols. Pp. xxv, 606, 667, 685.)

In these volumes all the contemporaneous accounts of the Federal Constitutional Convention are presented with such ingenuity and simplicity that the editor is entitled to the enthusiastic thanks of all persons who wish to ascertain in the most authoritative way what was done by each member of the Convention and what were the steps in the development of each clause of the Constitution. The first two volumes present day by day the independent records—the official, Madison's, Yate's King's and the other fragments. Every one who has worked with the official *Journal* or with Madison's *Debates* knows that the textual difficulties are embarassing; but in these volumes these difficulties are largely solved, either by annotation or otherwise. The first two volumes are devoted to texts and to textual criticism. The third volume gives, in addition to the Virginia plan, the Pinckney plan, the New Jersey plan and the Hamilton plan, many extracts commenting on the proceedings of the Convention and on the members; and as these extracts number more than four hundred and are usually the work of contemporaries, the editor has performed a useful service by collecting them. The indexes, with which the third volume concludes, are also worthy of praise, for they make it peculiarly easy to trace the facts as to each clause and also other facts of consequence. Indeed, from beginning to end, these volumes show shrewd appreciation of an investigator's needs, and conscientious care in performance. For cultivating the field covered by these volumes it is almost impossible to imagine better tools.

EUGENE WAMBAUGH.

The Courts, the Constitution and Parties. By Prof. ANDREW C. MCLAUGHLIN. (Chicago: University of Chicago Press, 1912. Pp. 299.)

Under this title Professor McLaughlin has given us a volume of scholarly essays dealing with certain fundamental principles in the consitutional and political life of this country. With one exception these papers have previously appeared in print, but they are well worth collecting and reissuing in their present form. Two of the essays deal respectively with the significance of political parties and their relation to popular government. One, reprinted from *The American Historical Review* and entitled "Social Compact and Constitutional Construction," is a noteworthy contribution to the history of American political philosophy. Of less value, yet instructive, is the essay "A Written Constitution in Some of Its Historical Aspects," The longest paper and the one now for the first time published, deals with the power of American courts to declare void laws held by them to be unconstitutional. The last year has seen the publication of a number of books and articles dealing with this subject, but in none of them is the approach the same as that of Professor McLaughlin's. Here no serious attempt is made to show that the farmers and adopters of the federal constitution foresaw and intended that the courts should have this power, this being conceded to have been establised by other writers. Rather, the effort has been to trace the historical evolution in America of the idea of a written constitutional will as legally superior to the legislative will, and to show the earlier principles of political philosophy and constitutional practice out of which this final fundamental doctrine was developed. Space will not permit a statement, even in outline, of Professor McLaughlin's illuminating argument, but his summary may well be reproduced in his own words. Speaking of the notions or principles influential during the revolutionary period, he says: "The chiefest among the principles I have given are these: first and foremost the separation of powers of government and the independence of the judiciary, which led courts to believe that they were not bound in their interpretation of the Constitution by the decisions of a collateral branch of the government [this point is especially emphasized]; second, the prevalent and deeply cherished conviction that governments must be checked and limited in order that individual liberty might be protected and properly preserved; third, that there was a fundamental law in all free states and that freedom and God-given right depended on the maintenance and preservation of

that law . . . . . ; fourth, the firm belief in the existence of natural rights superior to all governmental authority. . . . . ; fifth, the belief that, as a principle of English law, the courts would consider that an act of Parliament contrary to natural justice or reason was void and pass it into disuse; . . . . Back of all these ideas was a long course of English constitutional development in which judges had played a significant part in constitutional controversy. . . . . The principle of legislative sovereignty as a possession of Parliament, was, on the other hand, a comparatively modern theory." As to this last point especial reference for support is made to Prof. C. H. McIlwain's *High Court of Parliament.*

Wisconsin: An Experiment in Democracy. By FREDERICK C. HOWE. (New York: Charles Scribner's Sons, 1912. Pp. xii, 202.)

The Wisconsin Idea. By CHARLES MCCARTHY. (New York: The Macmillan Company, 1912. Pp. xvi, 316.)

We have here two stimulating *hors d'oevres.* They whet the appetite for more. The reader, while enjoying them, longs for the more-solid *piece de resistance*—one that will satisfy his desire for a really thorough study of the character and results of the interesting experiment that the state of Wisconsin has been making in the political science domain.

Both of the authors are products of training now afforded in our leading universities in the study of problems of government and administration. Both, however, have extended their activities beyond the academic field and their viewpoint is that of the worker in the practical conduct of public affairs. The fact that neither of the works pretends to furnish that dispassionate examination of the subjects dealt with which one ordinarily expects to find in academic studies, by no means detracts from their value. Interest is rather stimulated by the fact that we are given descriptions of political pioneering by persons ardently believing that the paths chosen lead in the right direction.

One finds in these companion volumes a thoroughly readable account, not only of the general reform movement that has held sway in Wisconsin during recent years, but a particular consideration of the several changes affected. These changes fall partly in the economic and partly in the political field. In the former, notable advances have been made in the direction of the protection of the workman and the provision of

means for his insurance. The industrial commission that has been established is one of the most interesting institutions for the promotion of the welfare of the laboring classes that has been created in recent years. In Dr. Howe's work major attention has been paid to these matters of social and economic reform. He also gives an eulogistic appreciation of the character and career of La Follette to whom he rightfully ascribes leadership in the movement for reform.

Dr. McCarthy's work, on the other hand, deals rather with changes that have been effected in the political institutions of the state. The reviewer found chief interest in the chapter entitled "The Law and Economic Progress." In this chapter high praise is accorded the supreme court of Wisconsin for the advanced position taken by it in seeking to render effective the will of the people as represented through its legislature, and in refusing to give undue weight to legal technicalities. The position taken by the Wisconsin court is precisely that so ably argued for by Woodrow Wilson in his *Constitutional Government in the United States*: namely, that a written constitution is not a legal document, such as a will or deed, to be interpreted in accordance with narrow rules of strict construction, but a thoroughly human document, the provisions of which must be interpreted according to the conditions to which they are applied.

In both works attention is drawn to the prominent part played by the University of Wisconsin in the political life of the community, and the extent to which use has been made by the state of its plant and personnel. In important respects, indeed, the University has become an integral part of the political machinery of the commonwealth.

W. F. Willoughby.

Germany and the German Emperor. By Herbert Ferris. (New York: Henry Holt and Company, 1912. Pp. viii, 512.)

A work that will enable us to understand better the national life and character of another people is always welcome. It is not necessary that it should represent original research in its narrowest sense in order to be of value. The present work can be roughly divided into two parts. The first half deals with the historical foundations and early development of Germany. Here ground is covered that has been repeatedly traversed and little new information is provided. The last half of the work is of a different character. It deals strictly with modern Germany, its political problems, foreign and domestic, its wonderful growth in

population, industry and commerce, and the questions to which such growth has given rise. Especially are the foreign policy and the international position of Germany given full treatment. Read in connection with such works as Tardieu's *France and the Alliances*, an excellent insight is afforded into the recent diplomatic history of Europe.

The two chapters standing out as of major importance are, however, those entitled "William II By Right Divine" and "The Political Revolution of Tomorrow." The former gives an exceptionally clear and graphic description of the death of the old Emperor William I, the ninety-nine days' reign of his son Frederick, the ascension to the throne of the present Emperor William II and the break of the latter with Bismark. Following this is given a study of the character of the present Emperor, as revealed in his public utterances and official acts, that goes a long way toward making clear the real nature and aspirations of this most-interesting of European monarchs.

In the latter chapter we are furnished with one of the best accounts in brief compass of political parties and political problems under the Empire that has come to the attention of the reviewer. The consequences of the general elections of January, 1912 which resulted in great socialistic gains and a radical readjustment generally in the Reichstag are fully set forth. Of especial interest are the observations of the author regarding political tendencies. A large map of the German Empire at the end of the volume adds materially to the pleasure and convenience of the reader.

Sociology in Its Psycological Aspects. By CHARLES A. ELLWOOD. (New York: D. Appleton and Company, 1912. Pp. xi, 417.)

This is a very excellent introductory treatise on the psychological theory of society. The author considers in turn such topics as the conceptions of sociology, the relation of sociology to other sciences, the psychological basis of sociology, the origin and nature of society, forms of association, the theory of social forces and of social order, the social coördination and various others. Society must be interpretated, he says, in terms of the biological and psychological factors; hence the sociologist must, in order to interpret scientifically the social life, keep constantly in mind the individual viewed as a biological and psychological being. Psychology is the basis of sociology and no one can be a sociologist unless he is in some degree a psychologist. Furthermore the development of sociology must depend upon the development of psychology. Society is

nothing but a group of individuals carrying on a collective life by means of mental interaction and this process is conditioned upon a coördination of individual activities; this coördination is the fundamental fact for the sociologist. Mr. Ellwood very properly recognizes the existence of most intimate relations between sociology and political science, since the state is not only the most imposing social structure and the "most visible manifestation of social organization but also the highest form of human association."

For the political scientist Professor Ellwood's chapters on the origin and nature of society, forms of association and the theory of social forces and of social order have a more direct interest than the rest of his treatise. The problem of the origin of society, he says, is fundamentally a biological question but in its nature society is an "intellectual construction." The three greatest "historical" theories of the nature of society he conceives to be the contract theory, the organic theory and the psychological theory. The latter when rightly understood offers the only "adequate basis for a true synthesis for the opposing contract and organic theories." The psychological theory holds that the unity of the social life is that of a psychological process and is, in Mr. Ellwood's opinion, the correct interpretation of the nature of society, which, as stated above, is a group of persons acting collectively by means of mental interactions.

Altogether Mr. Ellwood's interpretation of the origin and nature of society and of the social processes, which is that of the psychologist rather than the political scientist, is characterized by extraordinary keenness of insight, originality and depth of understanding. No one has so well presented this theory and his book will do much to clear up some of our notions regarding one of the most difficult questions of political science.

The Power of the Federal Judiciary Over Legislation. By J. HAMPDEN DOUGHERTY. (New York: Putnams, 1912. Pp. 125.)

The Supreme Court and the Constitution. By CHARLES A. BEARD. (New York: The Macmillan Company, 1912. Pp. vii, 127.)

Mr. Dougherty revives the thesis advanced by Brinton Coxe in his *Judicial Power and Unconstitutional Legislation* that the federal courts were given, by explicit provision of the Constitution inserted for the

purpose, the power to pass upon the constitutionality of acts of congress. The provision instanced is the one brought forward by Marshall—though not very confidently—in Marbury vs. Madison, extending the judicial power of the United States to all cases "arising under this Constitution." But this clause was explained by both Madison and Hamilton in the *Federalist* as signifying merely cases arising in consequence of state laws transgressing prohibitions of the Constitution upon state legislative power. No doubt the bestowal of this jurisdiction upon the national courts, in conjunction with the duty thrust upon the state courts by Article VI, sec. 2, materially furthered the establishment of judicial control of legislative power generally and so of judicial control of congressional power. But this fact it is obvious lends no support to Mr. Dougherty's argument, which is based upon the text of the Constitution.

Mr. Beard pursues a different line of argument. Reviewing certain acts and utterances of twenty-eight members of the Convention before, after, or during it, he finds, he thinks, twenty-five of these to have been favorable at one time or other to a power in courts to pass upon the validity of acts of coördinate legislatures under the written constitution, and only three to have been unfavorable. From this assemblage of data he appears to conclude that the supervisory power of the national courts over the acts of congress was bestowed, not indeed by any clause inserted in the Constitution specifically for the purpose, but implicitly as an item of judicial power as it was then understood; and he repels with vigor the charge that the decision in Marbury vs. Madison comprised an act of judicial usurpation.

The idea that Marbury vs. Madison was an act of usurpation may be dismissed without hesitation. The only justification for it at any time was the false idea of the nature of judicial decisions which the courts have themselves taught. On the other hand I am not convinced by Mr. Beard's data that the convention of 1787 thought itself to be concluding the constitutional question decided in Marbury vs. Madison. On the contrary I believe that the Convention regarded that question as still as open one when it adjourned.

Thus of the twenty-five members set down by Mr. Beard as favoring judicial review of acts of congress seven are so classified simply on the score of their voting two years after the Convention for the judiciary act of 1789, the terms of which do not necessarily assume any such power, though they do not preclude it. Of another six, only utterances are quoted which postdate the Convention, sometimes by several years.

Furthermore by far the two most important members of this group are Hamilton and Madison, the former of whom apparently became a convert to the idea under discussion between the time of writing *Federalist* 33 and *Federalist* 78 and the latter of whom is proved by the very language which Mr. Beard quotes to have been unfavorable both in 1788 and 1789. Again, another four are reckoned as favoring the power of judicial review proper on account of judicial utterances antedating the Convention from five to seven years, though these utterances, at the time they were made, were in one instance sharply challenged by public opinion and in the other by judicial opinion. Only eight of the twenty-five acknowledged the power on the floor of the Convention itself, and of these eight three were pretty clearly recent converts to the idea, while some of them seemed to limit the power to its use as a means of self-defense by the court against legislative encroachment. On the other hand the idea was challenged by four members of the Convention; and although they were outnumbered, so far as the available record shows, two to one by the avowed advocates of judicial review, yet popular discussion previous to the Convention had shown their point of view to have too formidable backing to admit of its being crassly overridden. Despite therefore the sharp issue made in the Convention, not a word designed to put the view of the majority beyond the same contingencies of interpretation to which it was at the moment exposed in the state constitutions was inserted in the national Constitution, though on the other hand nothing to nullify the manifest hopes of the majority was inserted either.

And these hopes, it must be conceded, had pretty solid ground to rest upon. The written constitution from the outset was regarded as fundamental law and as ordained by the people. The people however, once government was established, became by the political theory of the day the legislature, which thus had the right, not of course to set aside the Constitution—for nobody asserted that—but to interpret it. Indeed even of its own enactments the legislature was under many, if not all, of the state constitutions the final interpreter when it willed so to act. But the state legislatures had by 1787 got in bad odor. The demand of the day was for methods to check legislative power. In response to this demand the executive veto was created, prohibitions upon State legislative powers enforceable by the state and national judiciaries were inserted in the national Constitution, and lastly a construction put upon the current doctrine of the separation of powers which left the interpretation of laws exclusively with the courts. The result of this last-named

development was, on the one hand, the establishment of judicial review and, on the other hand, the reduction of the legislature from its earlier position of constitutional sovereign to that of "mere agent of the people." In this connection attention should be given Hamilton's assertion in *Federalist* 78, that it was "more rational to suppose that the courts were designed to be an intermediate body between the people and the legislature" than that the latter should be final judge of its own powers. As a deduction from American constitutional history anterior to 1787 this contention is without merit but as expressive of the practical considerations that explain the *why* of judicial review—as contrasted with the *how*—the mere legal formula—it is extremely significant. A growing popular sentiment was disgusted with legislatures and wanted to check them and to that end was willing to make the courts paramount. In Cooper vs. Telfair, decided in 1800, Justice Chase reluctantly admits that it is the pretty unanimous opinion of bench and bar that the courts are the final interpreters of the Constitution. The response to the Virginia and Kentucky resolutions of 1798–99 had already shown this and the debate on the judiciary act of 1802 afforded further evidence to the same effect. Next year Marshall decided Marbury vs. Madison. Unless judges, in fear of enlarging their powers are required to take a view of the law, on a point not yet determined, counter to overwhelming popular opinion, that decision cannot be called "usurpation."

EDWARD S. CORWIN.

RECENT GOVERNMENT PUBLICATIONS OF POLITICAL INTEREST

CARL HOOKSTADT

Library of Congress

UNITED STATES[1]

A Biographical Congressional Directory with an outline of the National Congress, 1774–1911. 1913. 1136 p. 4°. *Congress. Senate.* (61st Congress, S. doc. 654.)

A Budget with supporting memoranda and reports, Message of the President of the United States, submitting for the consideration of Congress. 1913. 433 p. 8°. *President.* (S. doc. 1113.)

Campaign Contributions. Testimony before a subcommittee of the Committee of Privileges and Elections, United States Senate, 62d Congress. 1913. 2 v. 8°. *Senate. Committee on Privileges and Elections.*

Chairmanship of the Committee on Appropriations. Speech of Hon. Benjamin R. Tillman, in the Democratic caucus, Mar. 15, 1913. 11 p. 8°. *Congress. Senate.* (63d Congress, special session, S. doc. 6.)

Claims Growing Out of Insurrection in Mexico. Letter from the Secretary of War transmitting report of commission . . . . to investigate the claims of American citizens for damages suffered within American territory and growing out of late insurrection in Mexico. 1912. 621 p. 8°. *War Dept.* (H. doc. 1168.)

Claims of American Citizens; Apia, in the Samoan Islands. Message from the President . . . . transmitting report from the Secretary of State concerning claims of American citizens growing out of joint naval operations of the United States and Great Britain in and about the town of Apia, in the Samoan Islands, March–May, 1899. 1913. 200 p. 8°. *Dept. of State.* (H. doc. 1257.)

Commission on Economy and Efficiency, Message of the President transmitting the reports of the . . . . Jan. 8, 1913. 923 p. 8°. *Commission on Economy and Efficiency.* (H. doc. 1252.)

Control of Corporations, Persons, and Firms engaged in Interstate Commerce. Indexed digest of testimony with summary of evidence of the same, of witnesses appearing before the Senate Committee on Interstate Commerce, 62d Congress, pursuant to S. Res. 98. 1912. 135 p. 8°. *Senate. Committee on Interstate Commerce.*

Control of Corporations, Persons, and Firms engaged in Interstate Commerce. Report from the Senate Committee on Interstate Commerce, Feb. 26, 1913. 24 p. 8°. *Senate. Committee on Interstate Commerce.* (S. rpt. 1326.)

---

[1] All numbered documents and reports refer to the 62d Congress unless otherwise specified.

Constitutionality of the Control of Interstate Shipments of Liquor. Brief on the so-called Kenyon interstate liquor bill. 1913. 48 p. 8°. *Congress. Senate.* (S. doc. 1060.)

The Constitution of the United States, its friends and foes. Address by Franklin W. Collins. 1913. 30 p. 8°. *Congress. Senate.* (S. doc. 1108.)

The Constitution, the Court and the People. Article in the Yale *Law Journal* of Jan., 1913, by R. W. Breckenridge. 1913. 17 p. 8°. *Congress. Senate.* (S. doc. 1095.)

The Electoral College; prerogatives and possibilities; a presidential preference vote; the President's term. By John Walker Holcombe. 1913. 18 p. 8°. *Congress. Senate.* (S. doc. 1092.)

Employers' Liability and Workmen's Compensation. Hearings before the Committee on the Judiciary, House of Representatives, 62d Congress, on H. R. 20487 (S. 5382). 1913. 539 p. 8°. *House. Committee on the Judiciary.*

Federal Accident Compensation Act. Report of House Committee on the Judiciary [to accompany S. 5382]. 1913. 218 p. 8°. *House. Committee on the Judiciary.* (H. rpt. 1441.)

Includes report of the Employers' Liability and Workmen's Compensation Commission, Feb. 2, 1912.

Federal Control of Water Power. Papers submitted to the Committee on Commerce, United States Senate, 62d Congress, on regulation and control of water power in navigable and non-navigable streams of the United States, and the rights of riparian owners. 1913. 349 p. 8°. *Senate. Committee on Commerce.*

General Arbitration. Lecture delivered by Henry Cabot Lodge at the Naval War College extension, Washington, Feb. 13, 1913. 12 p. 8°.

The Government of the District of Columbia. A memorial by the District league relative to the government of the District of Columbia. 1913. 18 p. 8°. *Congress. Senate.* (S. doc. 1138.)

Government of the District of Columbia. Memorial by W. O. Owen and others. 1913. 9 p. 8°. *Congress. Senate.* (S. doc. 1126.)

Inaugural addresses of President Woodrow Wilson and Vice-President Thomas R. Marshall, Mar. 4, 1913. 9 p. 8°. (63d Congress, special session, S. doc. 3.)

The Independence of the Judiciary, the safeguard of free institutions. Address by Wm. B. Hornblower to the graduating class of the Yale Law School, June 17, 1912. 1913. 15 p. 8°. *Congress. Senate.* (S. doc. 1052.)

Interest on Public Deposits. Hearings before the Committee on Expenditures in the Treasury Dept., House of Representatives, 62d Congress. 1913. 168 p. 8°. *House. Committee on Expenditures in the Treasury Dept.*

Interlocking Directorates and the Regulation of Terminals. Hearings before the Committee on Interstate and Foreign Commerce, House of Representatives, 62d Congress, on H. R. 26132, 27287, and 28653. 1913. 143 p. 8°. *House. Committee on Interstate and Foreign Commerce.*

International Boundary Commission, United States and Mexico, Proceedings of. American section. Elimination of Bancos. (2d series, nos. 59–89.) 1912. 104 p. 4°. *Dept. of State.*

International Commission of Jurists, Rio de Janeiro, June, 1912, Report of United States delegates to. Message from the President . . . . Feb. 5, 1913. 83 p. 8°. *Dept. of State.* (H. doc. 1343.)

International Harvester Co., Summary of report of the Commissioner of Corporations on the. 1913. 37 p. 8°. *Dept. of Commerce and Labor. Bureau of Corporations.*

Interstate Shipments of Intoxicating Liquors into "dry" territory. Hearing before a subcommittee of the Committee of the Judiciary, United States Senate, 62d Congress, on S. 1523, 2310, 3710, 4043. 1913. 180 p. 8°. *Senate. Committee on the Judiciary.*

Interstate Traffic in Intoxicating Liquors. Serial no. 4. Laws of various states relating to intoxicating liquors. 1913. 355-649 p. 8° *House. Committee on the Judiciary.*

Investigation of so-called Shipping Combine. Hearings before the Committee on the Merchant Marine and Fisheries, House of Representatives, on H. Res. 587. 28 pts. 1913. 1416 p. 8°. *House. Committee on the Merchant Marine and Fisheries.*

Legislative Drafting Bureau and Legislative reference division of the Library of Congress. Hearings before the Committee on the Library, United States Senate, 62d Congress, on S. 8337 and 8335. 1913. 145 p. 8°. *Senate. Committee on the Library.*

Includes special report of the Librarian of Congress relative to legislative reference bureaus (S. doc. 7) and House hearings of Feb. 26-27, 1912.

Legislative Drafting Bureau and Reference Division. Report from Senate Committee on the Library. 1913. 145 p. 8°. *Senate. Committee on the Library.* (S. rpt. 1271.)

Contains report and hearings of Senate committee, special report of Librarian of Congress (S. doc. 7) and hearings before the House Committee on the Library, Feb. 26 and 27, 1912.

Limitation on Judges when Charging Juries. Letter of John Althens Johnson to Benjamin R. Tillman in relation to S. 8007, a bill to limit U. S. judges to declaring the law when charging juries. 1913. 114 p. 8°. *Congress. Senate.* (S. doc. 1004.)

Nicaraguan Affairs. Hearing before the Committee on Foreign Relations, U. S. Senate, 62d Congress, pursuant to S. Res. 385, to investigate as to the alleged invasion of Nicaragua by armed sailors and marines of the United States. 1913. 92 p. 8°. *Senate. Committee on Foreign Relations.*

North Atlantic Coast Fisheries Arbitration, Proceedings in . . . . . before the permanent court of arbitration of the Hague under the provisions of the general treaty of arbitration of Apr. 4, 1908, and the special agreement of Jan. 27, 1909, between the United States of America and Great Britain. (In 12 vol.) 1912. 8°. (61st Congress, 3d session, S. doc. 870.) *Dept. of State.*

v.12. Appendices to oral arguments before the permanent court. Indexes.

The Panama Canal, shall it be American or Anglo-American? Article by Samuel Seabury . . . . printed in *The Outlook* on Nov. 8, 1912. 15 p. 8°. *Congress. Senate.* (63d Congress, special session, S. doc. 2.)

Panama Canal Tolls. Article prepared by the law officer of the Isthmian Canal Commission, Mr. Feuille, regarding tolls on the Panama Canal. 1913. 13 p. 8°. *Congress. House.* (H. doc. 1313.)

Panama Canal Tolls. Hearings before the Committee on Interoceanic Canals, U. S. Senate, 62d Congress, on S. 8114, a bill to prevent discrimination in Panama Canal tolls. 1913. 23 p. 8°. *Senate. Committee on Interoceanic Canals.*

Philippine Commission, Report of, to the Secretary of War, 1912. 1912. viii, 274 p. 8°. *War Dept.*

Philippines, Retention of. Article by Cardinal Gibbons. 1913. 5 p. 8°. *Congress. House.* (H. doc. 1446.)

Physical Valuation of Property of Common Carriers. Hearings before the Committee on Interstate Commerce, U. S. Senate, 62d Congress, on H. R. 22593. 1913. pts. 1–3. 139 p. 8°. *Senate. Committee on Interstate Commerce.*

Procedure in the Senate of the United States. Compiled by Charles G. Bennett, secretary of the Senate. Jan., 1913. 12 p. 8°.

Reforms in Legal Procedure. Hearings before the Committee on the Judiciary, H. R., 62d Congress. 1913. 80 p. 8°. *House. Committee on the Judiciary.*

Relations between the United States and Republic of Columbia. Message from the President transmitting report by the Secretary of State. 1913. 12 p. 8°. *Dept. of State.* (H. doc. 1444.)

Right to protect Citizens in Foreign Countries by Landing Forces. Memorandum by the Solicitor for the Dept. of State. Revised Edition. 70 p. fol. *Dept. of State.*

Rules and Practice of the Senate of the United States in the appointment of committees from Mar. 4, 1789, to Mar. 14, 1863, Statement of. (Reprint of S. misc. doc. no. 42, special session, 1863.) 1913. 31 p. 8°. *Congress. Senate.* (S. doc. 1122.)

Sherman Antitrust Law, Amendment of. Article by Geo. W. Wickersham, published in the New York *World*, Mar. 3, 1913. 8 p. 8°. *Congress. Senate.* (S. doc. 1135.)

Slavery in Peru. Message from the President of the United States transmitting report of the Secretary of State, with accompanying papers, concerning the alleged existence of slavery in Peru. 1913. 443 p. 8°. *Dept. of State.* (H. doc. 1366.)

Some Powers and Problems of the Federal Administrative. Article by Jasper Yeates Brinton. Reprinted from the University of Pennsylvania *Law Review*, Jan., 1913. 21 p. 8°. *Congress. Senate.* (S. doc. 1054.)

Discusses the increasing powers and responsibilities of our federal administrative government.

The Story of Panama. Hearings on the Rainey resolution before the Committee on Foreign Affairs of the House of Representatives. 1913. 736 p. 8° *House. Committee on Foreign Affairs.*

Contains also documents and correspondence relating to the Panama-Columbia affair.

The Tyranny of the House of Delegates of Porto Rico. An address by the Free Federation of Laborers of Porto Rico. 1913. 12 p. 8°. *Congress. House.* (H. doc. 1415.)

Valuation of the Several Classes of Property of Common Carriers. Report of the Senate Committee on Interstate Commerce on H. R. 22593 . . . . with hearings and index. 1913. 246 p. 8° *Senate. Committee on Interstate Commerce.* (S. rpt. 1290.)

Woman Suffrage. Hearings before the Committee on Election of President, Vice-President, and Representatives in Congress, House of Representatives, on H. R. 26950. 1913. 63 p. 8°. *House. Committee on Election of President, Vice President and Representatives in Congress.*

Woman Suffrage. Reports and hearings relative to joint resolutions proposing amendments to the Constitution of the United States providing that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex. 1913. 100 p. 8°. *Congress. Senate.* (S. doc. 1035.)

CALIFORNIA

Biennial Report of the Secretary of State . . . . beginning July 1, 1910, and ending June 30, 1912. Sacramento, 1912. 29 p. 8°. *Secretary of State.*

Statement of the Vote of California at the general election held November 5, 1912, also voting precincts in each county and the total vote of California for 1910 and 1912 by counties. Sacramento, 1912. 32 p. 8°. *Secretary of State.*

Statement of Vote of California presidential primary election, May 14, 1912, for delegates to national conventions. Sacramento, 1912. 11 p. 8°. *Secretary of State.*

Roster of State, County and City Officials of the State of California, also federal officials for California, Nov. 1, 1912. Sacramento, 1913. 184 p. 8°. *Secretary of State.*

COLORADO

Report of the Employees' Compensation Commission to the 19th General Assembly, 1913. Denver, 1913. 48 p. 8°. *Employees' Compensation Commission.*

CONNECTICUT

Report of the Commission on Compensation for Industrial Accidents, 1912. Hartford, 1912. 42 p. 8°. *Commission on Compensation of Industrial Accidents.*

Preliminary Manual of the General Assembly, 1913. Hartford, 1912. 86 p. 8°.

Proposed Acts concerning Employers' Liability and Workmen's Compensation and matters relating thereto, before the General Assembly of Connecticut, 1913. Hartford, 1913. 99 p. 4°. *Commission to Investigate concerning the advisability of establishing state insurance for workmen.*

Report of the Special Commission on Taxation of Woodland, to the General Assembly of 1913. Hartford, 1912. 54 p. 8°.

INDIANA

Report of the Commission on Industrial and Agricultural Education, Dec., 1912. Indianapolis, 1912. 133 p. 8°.

Biennial Report of the Secretary of State for the fiscal term ending Sept. 30, 1912. Indianapolis, 1912. 159 p. 8°. *Dept. of State.*

IOWA

Iowa Applied History Series. v. 1. 1912. 8°. *State Historical Society.*

v. 1, no. 2. Road legislation in Iowa, by J. E. Brindley. 97 p.

v. 1, no. 3. Regulation of urban utilities in Iowa, by E. H. Downey. 174 p.

v. 1, no. 4. Primary Elections in Iowa, by Frank E. Horack. 48 p.

v. 1, no. 5. Corrupt practices legislation in Iowa, by Henry J. Peterson. 125 p.

v. 1, no. 6. Work accident indemnity in Iowa, by E. H. Downey. 80 p.

v. 1, no. 7. Tax administration in Iowa, by J. E. Brindley. 120 p.

History of Congressional Elections in Iowa (the election of 1848), by L. B. Schmidt. (In the Iowa *Journal of History and Politics*, v. 11, no. 1, Jan., 1913). *State Historical Society.*

History of Work Accident Indemnity in Iowa, by E. H. Downey. Iowa City, 1912. xiii, 337 p. 8°. *State Historical Society.*

KANSAS

Eighteenth Biennial Report of the Secretary of State, 1911-12. Topeka, 1912. 104 p. 8°. *Secretary of State.*

MARYLAND

Archives of Maryland. Proceedings of the Council of Maryland, April 15, 1761–Sept. 24, 1770. Minutes of the Board of Revenue, opinions on the regulation of fees, instructions to Governor Eden. Baltimore, 1912. xiv, 522 p. 4°. *Historical Society.*

Report of Maryland Penitentiary Penal Commission, appointed July 24, 1912, ... to investigate the general administration of the Maryland Penitentiary. Baltimore, 1913. 321 p. 8°. *Commission Maryland Penitentiary Penal System.*

MASSACHUSETTS

Report of the Commission on Compensation for Industrial Accidents, July 1, 1912. Boston, 1912. 322 p. 8°.

The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay; to which are prefixed the Charters of the Province; with historical and explanatory notes, and appendix. v. 18, being v. 13 of the appendix, containing resolves, etc., 1765–1774. Boston, 1912. 899 p. 4°.

MICHIGAN

Proposed Prison Legislation, present laws in force, and reasons why changes are desirable; including the proceedings for the year 1912 of the Joint Prison and Affiliated Boards. Lansing, 1912. 76 p. 4°. *Joint Prison and Affiliated Boards.*

MINNESOTA

Railroad Valuation. Reproduction cost new as a sole basis for rates by D. F. Jurgensen, Sept. 13, 1912. Minneapolis, 1912. 13 p. 8°. *Railroad and Warehouse Commission.*

MISSOURI

Roster of State and District Officers and vote cast Nov. 5, 1912, for state and district officers and constitutional amendments, 1913. Jefferson City, 1912. 42 p. 8°. *Secretary of State.*

Roster of State and County Officers and votes cast Nov. 5, 1912, for state and district officers and constitutional amendments, 1913. Jefferson City, 1913. 81 p. 8°. *Secretary of State.*

NEVADA

Biennial Report of the Secretary of State and ex-officio State Librarian, 1911–1912. Carson City, 1913. xxix, 208 p. 8°. *Secretary of State.*

NEW JERSEY

The Industrial Directory of New Jersey, 1912. Camden, 1912. lxvii, 676 p. 8°. *Bureau of Statistics.*

Report of the Commission to Investigate Tax Assessments, 1912. Trenton, 1913. 64 p. 8°.

NEW YORK

History of the Typographical Union No. 6; a study of a modern trade union and its predecessors. Albany, 1912. xix, 718 p. 8°. (Annual report of the Bureau of Labor Statistics, pt. 1). *Dept. of Labor.*

Report of the Joint Committee of the Senate and Assembly . . . . duly designated to inquire into methods of financial administration of the state institutions and departments, March 15, 1911. Albany, 1911. 226 p. 8°.

NORTH CAROLINA

A Manual of North Carolina . . . . for the use of the members of the General Assembly, session 1913. Raleigh, 1913. 318 p. 12°. *Historical Commission.*

NORTH DAKOTA

Report of the Commission to investigate and report on the subject of legislation providing for the liability of employers in compensation for injured workmen. Bismarck, 1912. 128 p. 8°.

OHIO

Proceedings and Debates of the Constitutional Convention of the state of Ohio; convened Jan. 9, 1912; adjourned June 7, 1912; reconvened and adjourned without day, Aug. 26, 1912. v. 1. Columbus, 1912. 1081 p. fol. *Constitutional Convention.*

OKLAHOMA

Biennial Report of the Secretary of State for the two-year term ending Nov. 30, 1912. Oklahoma City, 1912. 194 p. 8°. *Dept. of State.*

OREGON

Report of Committee appointed by the Governor to make recommendations as to the provision of our judicial system. Salem, 1913. 46 p. 8°.

A Compilation of Opinions and Decisions upon the subject of Employers' Liability and Workmen's Compensation, together with statistics and legislation applicable thereto. Compiled by I. M. Day, State Senator . . . . 1913. Portland, 1913. 92 p. 8°.

PENNSYLVANIA

Report of the Industrial Accidents Commission, 1912. Philadelphia, 1912. 55. p. 8°.

TEXAS

Journal of the Secession Convention of Texas, 1861. Edited from the original in the Dept. of State, by Ernest William Winkler, State Librarian. Austin, 1912. 469 p. 8°. *State Library.*

VERMONT

Vermont Legislative Directory, biennial session, 1912. St. Albans, 1912. 607 p. 16°. *Secretary of State.*

The Principles of Common Law and Equity Procedure. A manual of Vermont court procedure. Relating also to the duties of public officers especially sheriffs, notaries public, town clerks, selectmen, overseers of the poor, and various others, with appropriate practical forms. By Henry A. Harman. Rutland, 1912. xxvii, 757 p. 8°.

WASHINGTON

First Annual Report of the Industrial Insurance Dept. for the twelve months ending Sept. 30, 1912. Olympia, 1912. 516 p. 8°.

Abstract of Votes polled in the State of Washington at the general election held Nov. 5, 1912, for presidential electors, congressmen at large, representatives in Congress . . . . also for and against certain proposed amendments to the state constitution. Olympia, 1912. 14 p. 8°. *Secretary of State.*

WISCONSIN

Wisconsin Statutes, 1911; embracing all general laws in force at the close of the special session of 1912, consolidated and in part revised pursuant to sections 116, 117, 20.17, and 20.18 of these statutes, by Lyman J. Nash, revisor and Arthur F. Belitz, assistant revisor. Madison, 1912. 52,2623 p. 4°.

Civil War Messages and Proclamations of Wisconsin War Governors. Edited by R. G. Thwaites. Madison, 1912. xvi, 319 p. 8°. *Historical Commission.* (Reprint no. 2).

Annotated Catalogue of Newspaper Files in the Library of the State Historical Society of Wisconsin. Second edition, compiled by Ada Tyng Griswold. Madison, 1911. xii, 591 p. 8°. *State Historical Society.*

INTERSTATE

International Association of Bureaus of Labor, Factory Inspection, and Industrial Commissioners. Proceedings, 28th annual convention held at Washington, D. C., May 28-30, 1912. 116 p. 8°.

CANADA

Report of the Secretary of State for year ending Mar., 1912. 1912. x, 872 p. 8°.

COLOMBIA

La Soberanía de Colombia en el Putumayo. Documentos que se publican de orden del Senado de la República. Ed. oficial. Bogota, 1912. 61 p. 8°.

FRANCE

Code du travail et de la prévoyance sociale, Livre II du. Rapport fait au nom de la commission du travail chargée d'examiner le projet de loi portant codification des lois ouvrières. 392 p. 4°. *Chambre des Députés. Session de 1912.* No. 2163.

Canal de Panama en ce qui concerne les colonies françaises des Antilles et d'Océanie, Rapport de la mission chargée d'étudier les conséquences de l'ouverture du. 1913. 101-136 p. fol. (Annexe, 16 Janvier 1913, Journal officiel de la République Française.)

Taxe sur l'enrichissement avec affectation du produit de cette taxe à l'amortissement de la dette publique, Rapport fait au nom de la commission . . . . ayant pour objet l'établissement d'une. 105 p. 4°. *Chambre des Députés. Session de 1912.* No. 2146.

GREAT BRITAIN[1]

Affairs of the Congo, Correspondence respecting. Africa, no. 1 (1913). 1913. 114 p. fol. *Foreign Office.* (cd. 6606.) 11½*d.*

Agricultural Credit and Agricultural Coöperation in Germany, Report to the Board of Agriculture and Fisheries of an enquiry into; with some notes on German live stock insurance, by J. R. Cahill. 1913. xxxvi, 302, 226 p. fol. *Board of Agriculture and Fisheries.* (cd. 6626.) 5*s.*

British and Foreign State Papers, 1907-1908. v. 101. 1912. lv, 1176 p. 8°. *Foreign Office.*

Contract Labour in Portuguese West Africa, Further correspondence respecting. Africa, no. 2 (1913). [In continuation of "Africa, no. 2 (1912)": cd. 6322.] 1913. vi, 88 p. fol. *Foreign Office.* (cd. 6607.) 9*d.*

Handbook of Commercial Treaties, etc., between Great Britain and foreign powers. Comp. by Gaston de Bernhardt. 1912. xxiii, 1153 p. 8°. *Foreign Office.*

International Conferences on Obscene Publications and the "white slave traffic," held in Paris, April and May, 1910, Correspondence respecting the. 1912. 45 p. fol. *Foreign Office.* (cd. 6547.) 5*d.*

Industrial Disputes Investigation Act of Canada, 1907, Report on. 1913. 33 p. fol. *Board of Trade.* (cd. 6603.) 3½*d.*

---

[1] The British parliamentary papers may be purchased from Wyman and Sons, Ltd., Fetter Lane, E. C. London. Cd. refers to papers presented to parliament by command.

Italian Law of Nationality of June 13, 1912, Despatches from H. M. representative abroad at Rome respecting the. 1913. 10 p. fol. *Foreign Office.* (cd. 6526.) 2*d.*

Land Warfare. An exposition of the laws and usages of war on land, for the guidance of officers of H. M. army, by J. E. Edmonds and L. Oppenheim. 1912. 161 p. 8°. *War Dept.*

Official History (Naval and Military) of the Russo-Japanese war. (In three volumes.) v. 2, Liao-yang, the Sha Ho, Port Arthur. 1912. xvii, 853 p. 8°. *Committee of Imperial Defence.*

Panama Canal Act communicated to H. M. Secretary of State for Foreign Affairs, Jan. 20, 1913, Despatch from Secretary of State at Washington respecting the. Misc. no. 2 (1913). 1913. 7 p. fol. *Foreign Office.* (cd. 6585.)

Panama Canal Act, Note addressed to H. M. Ambassador at Washington, to the United States Secretary of State, Feb. 28, 1913, on the subject of. 1913. 3 p. fol. *Foreign Office.* (cd. 6645.) ½d.

Russo-Mongolian Agreement and protocol of Oct. 21 (Nov. 3), 1912, Despatches from H. M. Ambassador at St. Petersburg transmitting the. 1913. 6 p. fol. *Foreign Office.* (cd. 6604). 1½*d.*

HONDURAS

Limites entre Honduras y Nicaragua. Incidente suscitado por Nicaragua. Publicación de la Secretario de relaciones exteriores de la República de Honduras. Tegucigalpa, 1912. 174 p. 4°.

ONTARIO

Bureau of Archives, eighth report, 1911. 1912. 496 p. 8°. *Bureau of Archives.* Contains the Journals of the Legislative Assembly of Upper Canada, 1805-1811.

PANAMA

Limites entre Panama y Costa Rica. Exposicion presentada al poder ejecutivo nacional por Ricardo J. Alfaro, abogado consultor de la legación de Panamá en Washington. Panama, 1913. viii, 112 p. 8°. *Secretaria de relaciones exteriores.*

VENEZUELA

El Libro Amarillo de los Estados Unidos de Venezuela presentado al Congreso nacional en sus sesiones de 1912 por el Ministro de relaciones exteriores. Ed. oficial. Caracas, 1912. 2 v. fol.

INTERNATIONAL

Codification du Droit International Public par Jacques Dumas, Simple introduction à l'étude du problème de la. Saint-Imier, 1912. 16 p. 8°. [Publications du Bureau international de la paix (Berne).]

La Morale Internationale. Ses origines—ses progrès. Par Jean Pelissier et Maxime-Emile Arnaud. Monaco, 1912. 205 p. 8°. (Publications de l'Institut international de la paix, no. 15.)

Troisième Conférence Internationale des Assurances Sociales, Zürich, 10-11, Sept. 1912. 172 p. 8°. (Bulletin des assurances sociales, no. 1, 1913.) *Comité permanent international des assurances sociales.*

Union Internationale pour la Protection de la Propriété Industrielle. Actes de la conférence réunie à Washington du 15 Mai au 2 Juin, 1911. Berne, 1911. vi, 418 p. fol. *Bureau international de la propriété industrielle.*

Union Interparlementaire. Compte rendu de la 17e conférence tenue a Genéve du 18 au 20 Sept. 1912. Bruxelles, 1913. Misch et Thron. éditeurs. xi, 372 p. 8°.

Verhandlungsbericht der siebenten Generalversammlung des Komitees des internationalen Vereinigung für gesetzlichen Arbeiterschutz, abgehalten zu Zürich vom 10 bis 12 Sept. 1912; nebst Jahresberichten der Internationalen Vereinigung und des internationalen Arbeitsamtes und dem Berichte des Special-kommission über Arbeitszeit in ununterbrochenen Betrieben. (Schriften der internationalen Vereinigung für gesetzlichen Arbeiterschutz, no. 8.) Jena, 1913. 241, 21 p. 8°.

INDEX TO RECENT LITERATURE—BOOKS AND PERIODICALS

COLONIES

Books

Achkar, Joseph. Le khédivat d'Égypte, étude de droit politique. Montpellier: Firmin et Montane. Pp. 9, 302.

Baillaud, Émile. La politique indigène de l'Angleterre en Afrique occidentale. Paris: Hachette. Pp. 39, 560.

Bottari, Nic. La colonizzazione dell'Algeria e i problemi della colonizzazione dell'Africa del Nord. Roma: C. Colombo. Pp. 54.

Fuller, Sir Bampfylde. The empire of India. London: P. S. King. Pp. 10, 394.

Hild, Eugène. L'organization judiciaire en Afrique occidentale française. Paris: E. Larose. Pp. 118.

Lamont, Norman. Problems of the Antilles. A collection of speeches and writings on the West Indian questions. London: Simkin. Pp. 190.

Mori, Ang. I corpi consultivi dell'amministrazione coloniale negli stati d'Europa. Roma: C. Colombo. Pp. 19, 633.

Murray, Hon. C. Gideon. A united West Indies. London: West Strand Publishing Company. Pp. 128.

Ostler, Alan. The Arabs in Tripoli. London: Murray. Pp. 326.

Page, Arthur. Imperialism and democracy. Unionist principles applied to modern problems. London: W. Blackwood. Pp. 308.

Spas, Louis. Étude sur l'organisation de Madagascar, justice indigène, indigénat, conseils d'arbitrage. Paris: M. Giard. Pp. 271.

Articles in Periodicals

Algeria. Les Relations maritimes entre la France et l'Algérie. *Henri Hauser.* Rev. Polit. et Parlementaire. Feb., 1913.

Canada. British Preference in Canada. *Edward Porritt.* The Quarterly Rev. Jan., 1913.

English Colonies. Les colonies anglaises et la défense navale de l'empire britannique. *A. de Tarlé.* Questions Dip. et Col. Jan. 1, 1913.

English Colonies. L'organisation militaire des colonies anglaises. *A. de Tarlé.* Questions Dip. et Col. Mar. 16, 1913.

Egypt. L'Égypte dans l'Orient nouveau. *Henry Sage.* Questions Dip. et Col. Feb. 16, 1913.

France in Africa. Nos Provinces du Nord de l'Afrique. L'Opinion publique française et le monde musulman africain. *Ed. de Warren.* Rev. Polit. et Parlementaire. Dec., 1912.

German Colonies. German colonial policy. *L. Hamilton.* United Empire. Feb., 1913.

German Colonies. Sind die deutschen Kolonien Inland oder Ausland? *Paul Heilborn.* Archiv f. Rechts, u. Wirtschaftsphilosophie. Jan., 1913.

Greater Britain. Greater Britain in 1912: a retrospect. *Pelops.* United Empire. Feb., 1913.

Imperialism. The imperial fund. *His Grace the Duke of Westminster.* Fortnightly Review. Jan., 1913.

Imperialism. The study of empire. *Sidney Low.* Fortnightly Review. Jan., 1913.

Imperialism. The imperial idea: from the point of view of Vancouver. *Dr. F. B. Vrooman.* Nineteenth Century. March, 1913.

Imperialism. The anti-imperialism of the Imperialists. *Sydney Brooks.* Fortnightly Review. Feb., 1913.

Imperial Defense. Australia and imperial naval defense. *F. M. Cutlack.* National Review. Feb., 1913.

Imperial Defense. Fluctuations de la Défense impériale britannique. *Comm. Davin.* Rev. Polit. et Parlementaire. Mar. 10, 1913.

India. The foreign-political department of the government of India. *C. E. Bunbury.* Contemporary Review. Feb., 1913.

India. India's imperialistic inclination and ideals. *Saint Nihal Singh.* Fortnightly Review. Jan., 1913.

Japan. Japan's annexation of Korea. *Joyokichi Iyenaga.* Journal of Race Development. Oct., 1912.

Morocco. La situation actuelle du protectorat marocain. *Armatte.* Questions Dip. et Col. Mar. 1, 1913.

Morocco. La délimitation franco-espagnole au Maroc et ses conséquences. *Armatte.* Questions Dip. et Col. Nov. 16, 1912.

Morocco. La prise de Dar Anflous et la liaison du Maroc avec la Mauritanie. *Armatte.* Questions Dip. et Col. Feb. 16, 1913.

Morocco. La rénovation du Maroc (*Suite*). *Rodolphe Van Loo.* Bull. de la Société Belge d'Études Coloniales. Jan., 1913.

Philippines. Les Américains aux Philippines. *H. Marchand.* Questions Dip. et Col. Nov. 1 1912.

Tripoli. La situation des Italiens en Tripolitaine. *André Duboscq.* Questions Dip. et Col. Dec. 1, 1912.

CONSTITUTIONAL LAW AND ADMINISTRATION

Books

Adams, Dr. T. Deutsches Staatsrecht II. Reichsverwaltungsrecht. Verfassungsurkunde. Bonn: L. Röhrscheid. Pp. 8, 135.

Alexinsky, Grégoire. La Russie Moderne. Paris: E. Flammarion. Pp. 383.

Baldy, Robert. L'Alsace-Lorraine et l'Empire allemand (1871–1911). Montpellier: Montane, Sicardi et Valentin. Pp. 270.

Brincken. Verfassung u. Verwaltung des Deutschen Reiches u. des Preussischen Staates. Berlin: Kameradschaft. Pp. 12, 103.

Burr, Charles H. The treaty-making power of the United States and the methods of its enforcement as affecting the police powers of the States. Reprinted from Proceedings of the American Philosophical Society for 1912. Vol. li. Pp. 269-422.

Dicey, A. V. A fool's paradise. Being a constitutional criticism on the Home Rule bill of 1912. London: J. Murray. Pp. 172.

Dreux, Fernand. Les attributions de la Chambre des lords en matière financière. Paris: A. Rousseau. Pp. 12, 156.

Gasquet, Henri. La nature juridique du règlement d'administration publique. Paris: F. Pichon. Pp. 213.

Hamelle, Paul. La querelle des Communes et des Lords. Paris: Plon-Nourrit Pp. 10, 267.

James, Herman Gerlach. Principles of Prussian administration. New York: Macmillan. Pp. 14, 309.

Lafabrègue. La dissolution des assemblées parlementaires. Toulouse: G. Mollat. Pp. 198.

Laurès, Michel. De l'intervention directe des électeurs français en matière constitutionelle, legislative et administrative. Montpellier: Montane, Sicardi et Valentin. Pp. 204.

McKechnie, William Sharp. The new democracy and the constitution. London: Murray. Pp. 224.

Munro, W. B. Leading cases on the constitution of the United States. Cambridge, Mass.: Harvard Coöperative Society.

Murray-Aaron, Eng., and others. Our federal government. Chicago: G. F. Cram. Pp. 350.

Ogden, G. W. Home Rule. A story of the people. London: Harper. Pp. 374.

Ogg, Frederic Austin. The governments of Europe. New York: Macmillan. Pp. 14, 668.

Rawer, Dr. Walth W. Der deutsche Kaiser. Seine rechtl. Stellg. im alten u. neuen Reiche. Berlin: Puttkammer und Muhlbrecht. Pp. 117.

Reventlow Graf E. Der Kaiser u. die Monarchisten. Berlin: R. Hobbing. Pp. 7, 294.

Rosenbaum, Simon, editor. Against home rule, the case for the union by Arth. Balfour and others. New York: Warne. Pp. 3, 11, 356.

Spengler, Dr. Karl. Die rechtliche Stellung u. die Befugnisse des Reichstagspräsidenten. Nürnberg: W. E. Sebald. Pp. 73.

Stiekloff, Georges. La fraction social-démocraté dans la troisième Douma. Paris: M. Rivière. Pp. 88.

Stolz, Otto. Geschichte der Gerichte Deutschlands. Wien: A. Hölder. Pp. 252.

Tatarescu, Georges. Le régime électoral et parlementaire en Roumanie. Paris: M. Giard. Pp. 192.

Theisen W. Die Reichs-, Staats- u. Kommunalabgaben. Berlin: C. Heymann. Pp. 8, 105.

Veitch, George Stead. The genesis of parliamentary reform. London: Constable. Pp. 430.

Webb, Sidney and Beatrice. English local government. The story of the king's highway. London: Longmans. Pp. 10, 279.

Windisch, Dr. Karl. Die völkerrechtliche Stellung der deutschen Einzelstaaten. Leipzig: G. Fock. Pp. 11, 86.

Wyer, S. S. Regulation, valuation and depreciation of public utilities. Columbus, O.: Sears and Simpson Company. Pp. 313, 34.

Articles in Periodicals

Administrative Efficiency. Efficient organization of the personnel in administration. *W. F. Willoughby.* Proceedings of Academy of Political Science. Jan., 1913.

Amendment. The amendment of the federal constitution. *J. David Thompson.* Proceedings of Academy of Political Science. Jan., 1913.

Amendment. Amending state constitutions. *J. B. Whitfield.* Michigan Law Review. Feb., 1913.

Austria-Hungary. Das staatsrechtliche und politische Problem der öster reichisch-ungarischen Monarchie. *Friedrich Tezner.* Archiv. d. Öffentlichen Rechts. XXX, 1 und 2. 1913.

Belgium. L'organisation du suffrage et l'expérience belge. *Maurice Deslandres.* Rev. Polit. et Parlementaire. Feb., 1913.

Budget. The federal budget. *Frederick A. Cleveland.* Proceedings of Academy of Political Science. Jan., 1913.

Cabinet Government. Cabinet officers in Congress. *Perry Belmont.* North American Review. Jan., 1913.

China. China's revolution and its effect. *Ching-Chun Wang.* North American Review. Feb., 1913.

China. Revolutionized China? *Edwin Maxey.* Forum. April, 1913.

China. The means of unifying China. *Charles W. Eliot.* Journal of Race Development. Jan., 1913.

China. Chinas Erwachen. *Georg Wegener.* Zeits. f. Politik. VI, 1. 1913.

China. The genesis of the republican revolution in China from a south China standpoint. *John Stuart Thompson.* Journal of Race Development. Jan., 1913.

Civil Service. The state civil service act and the power of appointment. *Henry Schofield.* Illinois Law Review. Jan., 1913.

Constitutional Development. The development of American constitutional law. *Munroe Smith.* Proceedings of Academy of Political Science. Jan., 1913.

Constitutional Interpretation. Judicial interpretation of constitutional provisions. *Frank J. Goodnow.* Proceedings of Academy of Political Science. Jan., 1913.

Constitutional Law. The constitution, the courts and the people. *Ralph W. Breckinridge.* Yale Law Journal. Jan., 1913.

Delegation of Powers. The delegation of legislative power to administrative officers. *Stephen A. Foster.* Illinois Law Review. Feb., 1913.

Electoral Reform in France. La réforme électorale jugée au point de vue de ses résultats statistiques. *Bernard Lavergne.* Rev. Polit. et Parlementaire. Jan., 1913.

Federal Administration. Some powers and problems of the federal administrative. *Jasper Yates Brinton.* Pennsylvania Law Review. Jan., 1913.

France. The presidency of the French Republic. *James W. Garner.* North American Review. Mar., 1913.

French Senate. La Réforme électorale devant le Sénat. *Georges Lachapelle.* Rev. Polit. et Parlementaire. Mar. 10, 1913.

Home Rule. Home rule and the house of lords. *Stephen Gwynn.* Nineteenth Century. Mar., 1913.

Hungary. Die politischen Gegenwartsfragen Ungarns. *Dr. Nagy von Eötlevény.* Zeitschrift für Politik, V Band, 1912. Heft 4.

Illinois. The need for a constitutional convention in Illinois. *W. F. Dodd.* Illinois Law Review. Mar., 1913.

Interstate Commerce. The exercise of federal authority over interstate commerce as a police power. *William C. Woodward.* Georgetown Law Journal. Mar., 1913.

Jurisdiction over Foreigners. The jurisdiction of courts over foreigners. I. *Joseph Henry Beale.* Harvard Law Review. Jan., 1913.

Local Government. The chaos of local government. *Sir Laurence Gomme.* Contemporary Review. Mar., 1913.

Martial Law. Martial law. *H. C. Carbaugh.* Illinois Law Review. Mar., 1913.

Parliament Act. The parliament act and the British constitution. *Edward Jenks.* Columbia Law Review. Mar., 1913.

Portugal. Portugal under the Republic. *Aubrey F. G. Bell.* National Review. Feb., 1913.

Portugal. La deuxième anniversaire de la république portugaise. *Angel Marvaud.* Questions Dip. et Col. Nov. 16, 1912.

President. Power of the President to suspend an act of congress. *A. L. Weil.* California Law Review. Mar., 1913.

Separation of Powers. The separation of powers. II. *T. R. Powell.* Political Science Quarterly. Mar., 1913.

South African Union. The first South African cabinet. *Table Mountain.* National Review. Mar., 1913.

State Government. The reorganization of state government. *Henry Jones Ford.* Proceedings of Academy of Political Science. Jan., 1913.

Tax Exemptions. The nature of tax exemptions. *Frank J. Goodnow.* Columbia Law Review. Feb., 1913.

Trusts. Trusts and the law. *Juris Consultus.* Law Magazine and Review. Feb., 1913.

Turkey. Christians and Islam in Turkey. *Sir Edwin Pears.* Nineteenth Century. Feb., 1913.

United States. Etats-Unis. *James W. Garner.* Rev. Polit. et Parlementaire. Mar. 10 1913.

INTERNATIONAL LAW AND DIPLOMACY

Books

Adams, C. F. Seward and the Declaration of Paris; a forgotten diplomatic episode, April-August, 1861. Boston: Massachusetts Historical Society. Pp. 61.

Alvarez, Alexander. La codification du droit international ses tendences, ses bases. Paris: A. Pédone. Pp. 294.

Anethan, Elenore Mary Haggard, Baroness d'. Fourteen years of diplomatic life in Japan. New York: McBride, Nast. Pp. 471.

Ayala, Balthazar. De jure et officiis et disciplina militari, libri 3; ed. by J. Westlake. In 2 Vols. Washington: Carnegie Institute. Pp. 27, 227.

Baker, B. Granville. The passing of the Turkish Empire in Europe. London: Seeley. Pp. 336.

Balalud de Saint-Jean. La navigation aérienne au point de vue du droit international. Toulouse: G. Mollat. Pp. 12, 224.

Bellenger, Jean. La guerre aérienne et le droit international. Paris, A. Pedone. Pp. 152.

Blakeslee, G. H., editor. Japan and Japanese-American relations. Clark University addresses. New York: G. E. Stechert and Company. Pp. 11, 384.

Chevalley, Mme. L. La déclaration du droit des gens de l'abbé Grégoire, 1793-1795, étude sur le droit international public intermédiaire. Le Caire: P. Barbey. Pp. 103.

Choate, Jos. H. The two Hague conferences. Princeton, N. J. Princeton University. Pp. 14, 109.

Cugnin Robert. L'expulsion des étrangers. Nancy: A. Crépin-Leblond. Pp. 39, 342.

Dembski, V. Europe and the new sea law: a manual of international politics and maritime law. London: Simkin. Pp. 224.

Deville, Francois. Les controles financiers internationaux et la souveraineté de l'état. Sait-Nicolas, V. Arsant. Pp. 248.

Fox, Frank. Problems of the Pacific. Boston: Small, Maynard. Pp. 294.

Govi, Mario. Il socialismo internazionalista e la guerra italo-balcanico-turca. Modena: G. T. Vincenzi e nipoti. Pp. 16, 203.

Guibé, Henri. Essai sur la navigation aérienne en droit interne et en droit international. Caen: E. Lanier. Pp. 315.

Hassall, Arthur. The history of British foreign policy from the earliest times to 1912. London: W. Blackwood. Pp. 372.

Hélie, Henri. La notion des "motifs" dans l'évolution de l'arbitrage international. Paris: C. Noblet. Pp. 174.

Hull, W. I. The new peace movement. Boston: World Peace Foundation. Pp. 11, 216.

Hurst, C. J. B., editor. Russian and Japanese prize cases; being a collection of translations and summaries of the principal cases decided by the Russian and Japanese prize courts arising out of the Russo-Japanese War, 1904-5. London: P. S. King. Vol. I.

Jäckh, Ernst. Deutschland im Orient nach dem Balkankreig. München: M. Mörike. Pp. 159.

Jacomet, Lieutenant Robert. Les lois de la guerre continentale. Paris: L. Fournier. Pp. 160.

Johnson, Sir Harry. Common sense in foreign policy. London: Smith, Elder. Pp. 10, 119.

Jordan D. Starr and Krehbiel, E. B. Syllabus of lectures on international conciliation; given at Leland Stanford Junior University. Boston: World Peace Foundation. Pp. 180.

Lanning, George. Old forces in new China: an effort to exhibit the fundamental relationships of China and the West in their true light. London: Probsthain. Pp. 418.

Leets, Juan. United States and Latin America: dollar diplomacy. New Orleans, La.: The author, 908 Canal St. Pp. 88.

Lémonon, Ernest. La seconde conférence de la paix, La Haye, juin-octobre, 1907. 2e édition. Paris: F. Pinchon. Pp. 4, 770.

Macey, Paul. Status international des "Détroits" (Dardanelles, Bosphore, mer Noire.) Paris: P. Lechevalier. Pp. 85.

Maciejewski, Dr. Casimir. La Guerre, ses causes et les moyens de la prévenir. Paris: A. Giard et Brière. Pp. 8, 91.

Maday, Dr. André de. Sociologie de la paix, introduction à la philosophie du droit international. Paris: M. Giard et E. Brière. Pp. 8, 136.

Mead, L. A. Swords and ploughshares; or, the supplanting of the system of war by the system of law. London: Putnam.

Mérignhac, A. Traité de droit public international. Troisième partie. Le droit de la guerre. Tome 1er de la troisième partie. Le droit commun de la guerre. La guerre terrestre. Paris: F. Pichon. Pp. 596

Moritzen, J. The peace movement in America. London: Putnam.

Niboyet, J. P. L'ambassade de France au Vatican (1870-1904), sa signification au point de vue du droit international et de la politique interne française. Paris: L. Larose. Pp. 188.

Oppenheim. L. The Panama canal conflict between Great Britain and the United States of America. Cambridge University Press. Pp. 62.

Pognon, Marcel. Du principe du droit de prise dans la guerre maritime et des restrictions qu'il comporte. Paris: E. Larose. Pp. 172

Articles in Periodicals

Albania. L'Albanie et les Albanais. *Gabriel Louis Jaray.* Rev. Polit. et Parlementaire. Feb., 1913.

Albania. L'Indépendance Albanaise et le Débouché Serbe sur l'Adriatique (avec carte). *Léon Lamouche.* Rev. Polit. et Parlementaire. Jan., 1913.

American Institute of International Law. L'Institut américain de droit international. *Gram, Hagerup, Kebedgy, Lawrence, von Liszt, de Louter, Oppenheim, et Pillet.* Rev. Gén. de Droit Int. Public. Jan. Feb., 1913.

American Institute of International Law. La fondation de l'Institut américain de droit international. *P. Fauchille.* Rev. Gén. de Droit Int. Public. Jan.-Feb., 1913.

Arbitration. Cardinal Alberoni: an Italian precursor of pacifism and international arbitration. *Mil. R. Vesnitch.* American Journal of International Law. Jan., 1913.

Armenia. La question arménienne. *K.-T. Khaïrallah.* Questions Dip. et Col. Jan. 16, 1913.

Austria. Austria, disturber of the peace. *Fabricus.* Fortnightly Review. Feb., 1913.

Austria. Is Austria really the disturber? *Henry Lutzow.* Fortnightly Review. Mar., 1913.

Balkans. Europe and the war. *Sydney Brooks.* North American Review. Jan., 1913.

Balkans. The peace conference and the balance of power. *J. Ellis Barker.* Fortnightly Review. Jan., 1913.

Balkans. British policy in the Near East. *Sydney Brooks.* Fortnightly Review. Jan., 1913.

Balkans. The final solution of the Eastern question. *Sir Harry H. Johnston.* Nineteenth Century. Mar., 1913.

Balkans. The Balkan league: history of its formation. *M.* Fortnightly Review. Jan., 1913.

Balkans. The Balkan problem. *S. P. Duggan.* Political Science Quarterly. Mar., 1913.

Balkans. Les intérêts hongrois et la crise balkanique. *Albert Sauzède.* Questions Dip. et Col. Mar. 16, 1913.

Balkans. L'Europe de la crise balkanique. *Louis de Saint-Victor de Saint-Blancard.* Rev. des Sciences Polit. Jan. Feb., 1913.

Balkans. Dans les Balkans: évènements militaires et diplomatiques.—Le traité franco-espagnol. *Reymond Recouly.* Rev. Polit. et Parlementaire. Dec. 1912.

China. The new holy alliance for China. *Albert Bushnel Hart.* Journal of Race Development. Jan., 1913.

China. The effect of the revolution upon the relations between China and the United States. Ching-Chun Wang. Journal of Race Development. Jan., 1913.

China. A plea for fair play and the recognition of the Chinese republic. *Major Louis Livingston Seaman.* Journal of Race Development. Jan., 1913.

Consular Powers. Rights of consular officers to letters of administration under treaties with foreign nations. *Frederic R. Coudert.* Columbia Law Review. Mar., 1913.

Eastern Question. Le développement de la crise orientale. *de Thomasson.* Questions Dip. et Col. Dec. 1, 1912.

England. Great Britain and the next war. *Sir Arthur Conan Doyle.* Fortnightly Review. Feb., 1913.

England and France. Der Weltkampf Englands mit Frankreich. *Ernst Schultze.* Annalen des Deutschen Reichs. Feb., 1913.

Extraterritoriality. Der Wechselprotest gegen Exterritoriale in Deutschland. *Richard Horn.* Zeits. f. Völkerrecht u. Bundesstaatsrecht. VI, 4. 1912.

Fisheries Question. The final outcome of the fisheries arbitration. *Chandler P. Anderson.* American Journal of International Law. Jan., 1913.

France and Spain. Les accords franco-espagnols de 1902 à 1912. *Georges Jary.* Rev. des Sciences Polit. Jan.-Feb., 1913.

Franco-Belgian Convention. La convention franco-belge du 8 juillet 1899. *Henri De Cock.* Rev. de Droit Int. et de Légis. Comparée. XV, 1. 1913.

German Army. Grundlagen, Entstehung und Handhabung der Verfassungsbestimmungen über die Feststellung der Friedenspräsenzstärke des deutschen Heeres. *Kulze.* Archiv d. Öffentlichen Rechts. XXX, 1 und 2. 1913.

Germany. Der völkerrechtliche Inhalt der Handelsverträge des Deutschen Reichs. Annalen des Deutschen Reichs. *Adolf Nebel.* Feb., 1913.

Italian-Turkan War. La guerre italo-turque et le droit des gens. *Andréa Rapisardi-Mirabelli.* Rev. de Droit Int. et de Légis. Comparée. XV, 1. 1913.

International Court. The essentials of a law establishing an international court. *Henry Wade Rogers.* Yale Law Journal. Feb., 1913.

International Court. A permanent court of international justice. *James L. Tryon.* Yale Law Journal. Jan., 1913.

International Law. The sanction of international law *Frederic R. Coudert.* Pennsylvania Law Review. Feb., 1913.

International Law. The executive, legislative and judicial recognition of international law in the United States. *Charles G. Fenwick.* Michigan Law Review. Feb., 1913.

Japan. The evolution of Japanese diplomacy. *Masujiro Honda.* Journal of Race Development. Oct., 1912.

Japan. The future of Japan. *E. Bruce Milford.* National Review. Jan., 1913.

Monroe Doctrine. Le doctrine de Monroe. Ses origines, son but, des dangers, d'après une récente publication américaine. *Ernest Lehr.* Rev. de Droit Int. et de Légis. Comparée. XV, 1. 1913.

Neutralization. Neutralization and equal terms. *Crammond Kennedy.* American Journal of International Law. Jan., 1913.

Neutralization. Ist eine permanente Neutralität des niederländischen Staatsgebietes möglich und erwünscht? *Henri van der Mandere.* Zeits. f. Völkerrecht u. Bundesstaatsrecht. VI, 4. 1912.

Nicaragua. Our policy in Nicaragua. *A Friend of Justice.* North American Review. Jan., 1913.

Opium. The international opium conference. II. *Hamilton Wright.* American Journal of International Law. Jan., 1913.

Panama Canal Tolls. The canal diplomacy: a British view. *Leopold Grahame.* North American Review. Jan., 1913.

Panama. A radical "Panama?" *L. J. Maxse.* National Review. Feb., 1913.

Panama Canal Tolls. The Panama canal and treaty rights. *D. Oswald Dykes.* Juridical Review. Jan., 1913.

Panama Canal Tolls. The Panama canal act and the British protest. *John Holladay Latané.* American Journal of International Law. Jan., 1913.

Panslavism. Der Panslavismus. *Zdeněk Tobolka.* Zeits. f. Politik. VI, 1. 1913.

Private International Law. The Anglo-Saxon powers and the Hague conventions on private international law. *Norman Bentwich.* Zeits. f. Völkerrecht u. Bundesstaatsrecht. VI, 4. 1912.

Prize. Private property at sea in time of war: a reply. *Right Hon. Sir Ernest Satow.* Nineteenth Century. Feb., 1913.

Roumania. Roumanian policy and the peace of Europe. *J. Ellis Barker.* Nineteenth Century. Mar., 1913.

Roumania. The Roumano-Bulgarian Controversy. *Bulgarian.* Contemporary Review. Mar., 1913.

Roumania. Roumanie et Bulgarie. *Tsarigradski.* Questions Dip. et Col. Feb. 16 1913.

Russia. Russia and the European Situation. *Victor E. Marsden.* National Review. Mar., 1913.

Syria. Les intérêts français en Syrie. *Georges Poignant.* Questions Dip. et Col. Mar. 16, 1913.

Tétouan. L'occupation de Tétouan par les Espagnols. *Armatte.* Questions Dip. et Col. Mar. 16, 1913.

Triple Alliance. Le renouvellement de la Triple Alliance et l'opinion publique italienne. *Ernest Lémonon.* Questions Dip. et Col. Jan. 16, 1913.

Turkey. Cardinal Alberoni's scheme for reducing the Turkish empire. American Journal of International Law. Jan., 1913.

United States and Germany. The United States and Anglo-German rivalry. *Washington.* National Review. Jan., 1913.

United States and the Eastern Question. Die Vereinigten Staaten und der Ferne Osten. *Paul S. Reinsch.* Zeits. f. Politik. VI, 1. 1913.

Unneutral Service. Ist die Entsendung von Aerzten oder die Lieferung von Heilmittelen seitens eines neutralen Staates an eine kriegführende Macht zulässig? *Bruno Altenberg.* Archiv d. Öffentlichen Rechts. XXX, 1 und 2. 1913.

War. Hegels Anschauung vom Krieg. *Theobald Ziegler.* Archiv f. Rechts u. Wirtschaftsphilosophie. Oct., 1912.

Wireless Telegraphy. Die Funkentelegraphie im internationalen Recht. *H. Thurn.* Annalen des Deutschen Reichs. Jan., 1913.

JURISPRUDENCE

Books

Alger, G. W. The old law and the new order. Boston: Houghton Mifflin. Pp. 295.

Ames, J. B. Lectures on legal history and miscellaneous legal essays. Cambridge: Harvard University Press.

Gareis, Dr. Karl. Enzyklopädie u. Methodologie der Rechtswissenschaft (Einleitung in die Rechtswissenschaft). Giessen: E. Roth. Pp. 12, 229.

Golden, Hyman E. Translation of Mishnah; a digest of the basic principles of the early Jewish jurisprudence; Baba Mezioh, Order IV, Treatise III. New York: Putnam. Pp. 8, 205.

Hardy, E. G. Six Roman laws and three Spanish charters. Oxford. Pp. 176.

Jones, Chester Lloyd. Statute law making in the United States. Boston: Boston Book Company. Pp. 12, 327.

Ostrorog, C^te^ Léon. Pour la réforme de la justice ottomane: rapport, exposés des motifs, avant-projets de lois. Paris: A Pédone. Pp. 27, 356.

Wagemann, Arnold. Geist des deutschen Rechts. Jena: G. Fischer. Pp. 5, 80.

Articles in Periodicals

Brehon Laws. The ancient Brehon laws of Ireland. *M. J. Gorman.* Pennsylvania Law Review. Feb., 1913.

Codification. Grundlage und Kodification des Völkerrechts. *L. von Bar.* Archiv f. Rechts u. Wirtschaftsphilosophie. Oct., 1912.

Colbert. Jean-Baptiste Colbert and the codifying ordinances of Louis XIV. *H. A. de Colyar.* Journal of Society of Comparative Legislation. Oct., 1912.

Courts and the People. The relation of the courts to the people. *Cyrus Beard.* Yale Law Journal. Feb., 1913.

Crime. The prevalence of crime in the United States and its extent compared with that in leading European states. *Julius Goebel, Jr.* Journal of Criminal Law and Criminology. Jan., 1913.

Criminal Law. The foundations of criminal law. *John Macdonell.* Journal of Society of Comparative Legislation. Oct., 1912.

Federal Equity Procedure. Jurisdiction of the federal equity courts as affected by state statutes. *Benjamin F. Keller.* American Law Review. Mar.-Apr., 1913.

Judicial Censorship. The judicial censorship of legislation. *Frederick Green.* American Law Review. Jan.-Feb., 1913.

Judicial Recall. The recall of judicial decisions. *William Draper Lewis and Clarence D. Ashley.* Proceedings of Academy of Political Science. Jan., 1913.

Judicial Recall. The recall of judges. *Gilbert E. Roe and J. Hampden Dougherty.* Proceedings of Academy of Political Science. Jan., 1913.

Judicial Recall. The constitution and the courts. *John G. Palfrey.* Harvard Law Review. Apr., 1913.

Judicial Recall. The recall of judges and of judicial decisions. *Howard Wiest.* Michigan Law Review. Feb., 1913.

Judicial Tenure. The elective and appointive methods of selection of judges. *Learned Hand.* Proceedings of Academy of Political Science. Jan., 1913.

Judicial Tenure. The issues involved in the methods of selecting and removing judges. *Harlen F. Stone.* Proceedings of Academy of Political Science. Jan., 1913.

Jurisprudence. Die Lebensdauer der Gesetze. *J. Binder.* Archiv f. Rechts u. Wirtschaftsphilosophie. Oct., 1912.

Jurisprudence. Die Zukunft der Rechtswissenschaft. *Robert Bartsch.* Archiv f. Rechts u. Wirtschaftsphilosophie. Oct., 1912.

Jurisprudence. Neo-Hegelianism in jurisprudence. *The Editor.* The Green Bag. Mar., 1913.

Jurisprudence. Ein juristischer Kulturkampf. *Joseph Kohler.* Archiv f. Rechts, u. Wirtschaftsphilosophie. Jan., 1913.

Jury. The jury system under changing social conditions. *John Wurts.* American Law Review. Jan.-Feb., 1913.

Labor Legislation. Foreign legislation and labour disputes. *Norman Bentwich.* Journal of Society of Comparative Legislation. Oct., 1912.

Law. Gesetz und Sprache. *G. Kleinfeller.* Archiv f. Rechts, u. Wirtschaftsphilosophie. Jan., 1913.

Legislation. Die Ankündigung von Gesetzen durch Verfassungsurkunden. *Otto Freiherr von Mering.* Archiv d. Öffentlichen Rechts, XXX, 1 und 2. 1913.

Legislation. Legislative drafting. *Thomas I. Parkinson.* Proceedings of Academy of Political Science. Jan., 1913.

Penal Reform. Programme minimum de Réformes pénales. *William Loubat.* Rev. Polit. et Parlementaire. Feb., 1913.

Politics. Politics and the law. *Claud W. Mullins.* Law Magazine and Review. Feb., 1913.

Quebec. The legal system of Quebec. *F. P. Walton.* Columbia Law Review. Mar., 1913.

Rio de Janeiro Conference. La Conférence des juristes de Rio de Janeiro et la codification du droit international américain. *A. Alvarez.* Rev. Gén. de Droit Int. Public. Jan.-Feb., 1913.

Social Legislation. Social legislation and the courts. *W. F. Dodd.* Political Science Quarterly. Mar., 1913.

Social Statistics and the Courts. The need of social statistics as an aid to the courts. *Walter F. Willcox.* American Law Review. Mar.-Apr., 1913.

Special Privilege. The evil of special privilege. *J. Newton Baker.* Yale Law Journal. Jan., 1913.

Supreme Court. The progressiveness of the United States supreme court. *Charles Warren.* Columbia Law Review. Apr., 1913.

Supreme Court. Legislative and judicial attacks on the supreme court of the United States. *Charles Warren.* American Law Review. Jan.-Feb., Mar.-Apr., 1913.

MUNICIPAL GOVERNMENT

Books

Boverat, Raymond. Le socialisme municipal en Angleterre et ses résultats financiers. 2e édition. Paris.: A Rousseau. Pp. 16, 647.

Harris, Percy A. London and its government. London: Dent. Pp. 196.

Marston, Glenn. Two hundred municipal ownership failures. Chicago: Public Service Publication. Pp. 29.

Moore, E. C. How New York City administers its schools. (Educational efficiency ser.) New York: World Book Company. Pp. 320.

Articles in Periodicals

California. "Municipal affairs" in the California constitution. *William Carey Jones.* California Law Review. Jan., 1913.

Democracy in Cities. The march of democracy in municipalities. *Charles F. Taylor.* National Municipal Review. Apr., 1913.

English Borough Elections. The recent English borough elections. *Herman G. James.* National Municipal Review. Apr., 1913.

Housing Reform. Constructive housing reform. *Carol Aronovici.* National Municipal Review. Apr., 1913.

Libraries. The public library in commission governed cities. *Alice S. Tyler.* National Municipal Review. Apr., 1913.

Municipal Health. The municipal health problem. *M. N. Baker.* National Municipal Review. Apr., 1913.

Municipal Ownership. Municipal ownership of public utilities. *Carman F. Randolph.* Yale Law Journal. Mar., 1913.

New York City. New York City finances. *W. M. Prendergast.* National Municipal Review. Apr., 1913.

Pensions. Municipal pensions. *Edward F. Mason.* National Municipal Review. Apr., 1913.

Short Charter. A thirteenth century short charter. *George R. Wallace.* National Municipal Review. Apr., 1913.

POLITICAL SCIENCE (GENERAL) AND POLITICAL THEORY

Books

American Academy of Political and Social Science, Philadelphia. Canadian National Problems. Philadelphia: American Academy of Political Science. Pp. 5, 291.

Bacon, E. Munroe and Wyman, Morrill. Direct elections and law-making by popular vote; the initiative, the referendum, the recall, commission government for cities, preferential voting. Boston: Houghton Mifflin. Pp. 4, 167.

Bancroft, H. H. The new Pacific. Revised edition. New York: Bancroft Company. Pp. 549.

Belloc, Hilaire and Chesterton, Cecil. The party system. Reissue. London: H. Latimer. Pp. 226.

Bland, J. Otway Percy. Recent events and present policies in China. Philadelphia: Lippincott. Pp. 11, 491.

Calderon, F. Garcia. Latin America; its rise and progress; translated by Bernard Miall. New York: Scribner. Pp. 400.

Carpenter, E. Toward democracy. New York: Kennerly. Pp. 19, 507.

Clayton, Joseph. The rise of the democracy. New York: Cassell and Company. Pp. 6, 256.

Clément, Henry. Jean-Jacques Rousseau: I, ses précurseurs; II, sa doctrine; III, ses disciples. Reims: Action popularie. Pp. 72.

Defoy, Abbé Henri. Le Citoyen. Paris: C. Amat. Pp. 8, 443.

Downey, Ezekiel H. History of work accident indemnity in Iowa. Iowa City: State Historical Society of Iowa. Pp. 11, 337.

Fraser, John Foster. Panama and what it means. New York: Cassell and Company.

Griffis, W. E. The Mikado's empire. 2 vols. 12th edition. New York: Harper. Pp. 745.

Harrison, E. J. The fighting spirit of Japan, and other studies. London: Unwin. Pp. 352.

Hayes, Carlton. British social politics. Boston: Ginn. Pp. 11, 580.

Hicks, W. Watkins. The banner with the new device; woman's place in nature, in civilization and in government. Boston: Sanctuary Pub. Pp. 19, 280.

Hubbard, A. J. The fate of empires; being an inquiry into the stability of civilization. New York: Longmans. Pp. 20, 220.

Kallmeyer, C. How to become a citizen of the United States of America, wie werde ich bürger der Vereinigten Staaten von Amerika? In English and in German. 5th edition, revised and enlarged. New York: C. Kallmeyer, Pub. Pp. 93, 34.

Kelly, Melville Clyde. Machine made legislation. Braddock, Pa.: Daily News Herald Publishing Company. Pp. 11, 149.

Lawton, Lancelot. The empires of the Far East. Boston: Small, Maynard. 2 vols.

Lichtenberger, Henri. The evolution of modern Germany. London: Constable. Pp. 466.

Lusk, Hugh H. Social Welfare in New Zealand; the result of twenty years of progressive social legislation and its significance for the United States and other countries. New York: Sturgis and Walton. Pp. 6, 287.

MacCann, John. The political philosophy of Burke. London: E. Arnold. Pp. 287.

Macy, Jesse. Political Science. Chicago: Civics Society. Pp. 11, 25, 264.

Malden, Henry Elliott. The rights and duties of a citizen. Eighth edition, revised. London: Methuen. Pp. 218.

Modern Politics. Being leading articles reprinted from "The Commentator," from May, 1910, to May, 1912. London Office. Pp. 554.

Orth, S. P. Socialism and democracy in Europe. New York: Holt. Pp. 352.

Papacostea, Alexandre. L'accroissement des budgets de l'état. Paris: Jouve. Pp. 139.

Pelletier, Dr. Madeleine. Justice sociale? Paris: M. Giard. Pp. 105.

Phelps, Edith M. Selected articles on government ownership of railroads. Minneapolis: H. W. Wilson Company. Pp. 31, 179.

Poulpiquet, Paul de. Le suffrage de la femme en France. Paris: A Rousseau. Pp. 319.

Pratz, Claire de. France from within. Second edition. New York: Doran.

Reinach, Joseph. La réforme électorale. Paris: E. Fasquelle. Pp. 14, 386.

Rightor, A. C. Fallacies of our national government. Pittsburgh, Pa.: F. M. Lippincott and Company. Pp. 4, 245.

Roberts, Elmer. Monarchical Socialism in Germany. New York: Scribner.

Robertson, Rev. J. M. The evolution of states; an introduction to English politics. New York: Putnam. Pp. 9, 487.

Smith, Right Hon. F. E. Unionist policy and other essays. London: Williams and Norgate. Pp. 9, 316.

Stevens, W. S., editor. Industrial combinations and trusts. New York: Macmillan. Pp. 14, 593.

Triggs, Oscar Lovell. The changing order; a study in democracy. Chicago: Kerr. Pp. 300.

Usher, Roland Greene. Pan-Germanism. Boston: Houghton Mifflin. Pp. 7, 313.

Wedgwood, Josiah and Ethel. The road to freedom, and what lies beyond. London: Daniel. Pp. 156.

Wilson, Woodrow (i. e., T. Wilson). The new freedom; a call for the emancipation of the generous energies of a people. New York: Doubleday, Page. Pp. 8, 294.

Wood, F. A. The finances of Vermont. New York: Longmans. Pp. 147. (Columbia Univ. studies in history, economics and public law).

Articles in Periodicals

Athens. Freie Rechtsprechung und die athenische Demokratie. *Paul Vinogradoff.* Archiv f. Rechts, u. Wirtschaftsphilosophie. Oct. 1912.

Austria. Austriche. *G. Kolmer.* Rev. Polit. et Parlementaire. Feb., 1913.

British Politics. Die Grundlagen der britischen Politik. *J. Alfred Spender.* Zeits. f. Politik. VI, 1. 1913.

Canada. Canadian Expansion. *Edward Porritt.* North American Review. Feb., 1913.

Catholic Conservatism. Der katholische Konservatismus. *Hermann Rehm.* Zeits. f. Politik. VI, 1. 1913.

Corporations. Regulation of industrial corporations. *J. Newton Baker.* Yale Law Journal. Feb., 1913.

Corporation Tax. The California state tax on corporate franchises. *Allen G. Wright.* California Law Review. Jan., 1913.

Eugenics. Eugenics and legislation. *Edward Manson.* Journal of Society of Comparative Legislation. Oct., 1912.

Initiative. The initiative and referendum. *Paul S. Reinsch.* Proceedings of Academy of Political Science. Jan., 1913.

Organic Theory. Die staatliche Gemeinschaft als Organismus. *Bredo Morgenstierne.* Archiv f. Rechts, u. Wirtschaftsphilosophie. Jan., 1913.

Origin of States. Zur Frage der Entstehung der Staaten. *Bruno Beyer* Zeits. f. d. Ges. Staatswissenschaft. No. 1. 1913.

Police. The scientific police. *Salvatore Ottolenghi.* Journal of Criminal Law and Criminology. Mar., 1913.

Police. The school of scientific police in Rome. *Victor von Borosini.* Journal of Criminal Law and Criminology. Mar., 1913.

Popular Government. "People's rule" on trial. *G. H. Haynes.* Political Science Quarterly. Mar., 1913.

Proportional Representation. Eine neue Gestaltung der Verhältniswahl. *A. Zeiler.* Annalen des Deutschen Reichs. Jan., 1913.

Prussia. Die Anfänge des politischen Radikalismus im vormärzlichen Preussen. *Gustav Mayer.* Zeits. f. Politik. VI, 1. 1913.

Public Ownership. Public ownership in France. *Paul Leroy-Beaulieu.* North American Review. Mar., 1913.

Public Ownership. Some problems of public ownership. *Walter S. Allen.* North American Review. Jan., 1913.

Rousseau. Der Einfluss Rousseaus auf die französische Revolution. *Giuseppe Capponi.* Archiv f. Rechts, u. Wirtschaftsphilosophie. Oct., 1912.

Rousseau. Ueber einige Grundgedanken der Politik Rousseaus. *G. Del Vecchio.* Archiv f. Rechts, u. Wirtschaftsphilosophie. Oct., 1912.

Rousseau. Rousseau als Rechtsphilosoph. *Joseph Kohler.* Archiv f. Rechts, u. Wirtschaftsphilosophie. Oct., 1912.

Russia. Anatole Leroy-Beaulieu de l'Empire des Tsars. *Pierre Chasles.* Rev. des Sciences Polit. Jan.-Feb., 1913.

Spain. La situation politique en Espagne. *Angel Marvaud.* Questions Dip. et Col. Feb. 1, 1913.

Sphere of Government. The elemental functions of government. *W. W. Lucas.* Journal of Society of Comparative Legislation. Oct., 1912.

State Trading. Handlungsunfähige Staaten. *Eugene von Jagemann.* Archiv f. Rechts, u. Wirtschaftsphilosophie. Oct., 1912.

Switzerland. Suisse. *Ed. Secrétan.* Rev. Polit. et Parlementaire. Feb., 1913.

Syndicalism. Le Syndicalisme dans les fonctions publiques et le retour au moyen âge. *Alexandre Lefas.* Rev. Polit. et Parlementaire. Dec., 1912.

Woman Suffrage. Woman suffrage: A suggested solution. *Richard S. Makower.* Westminster Review. Jan., 1913.

Woman Suffrage. Woman suffrage. *F. D. Acland.* Contemporary Review. Mar., 1913.

Workmen's Compensation. The equities of non-resident alien dependents under workmen's compensation laws. *Charles C. Hyde and Charles H. Watson.* Illinois Law Review. Feb., 1913.

Workmen's Compensation. A few observations on workmen's compensation in Germany and here. *Julius Hirschfeld.* **Journal of Society of Comparative** Legislation. Oct. 1912.